

JOURNAL of THE SENATE State of West Virginia

EIGHTY-FIFTH LEGISLATURE

Regular Sixty-Day Session, 2021

First Extraordinary Session, 2021

Second Extraordinary Session, 2021

Third Extraordinary Session, 2021

VOLUME I



NOTE: The first volume of this four-volume Official Senate Journal starts with proceedings proper of the First Regular Session of the Eighty-Fifth Legislature from January 13, 2021, to April 10, 2021, ending with page 1400 of the Regular Session.

JOURNAL of THE SENATE State of West Virginia

EIGHTY-FIFTH LEGISLATURE

Regular Sixty-Day Session, 2021



NOTE: The First Regular Session of the Eighty-Fifth Legislature convened on January 13, 2021, and concluded the sixty-day constitutional session with final adjournment at midnight, April 10, 2021.

This session 2,039 bills were introduced in the two houses.

Members of the Senate, officers, and standing committee membership lists precede the Official Regular Session Journal and are shown hereinafter.

PUBLISHED UNDER THE DIRECTION OF
LEE CASSIS, *Senate Clerk*

STAFF

Kristin Canterbury, *Assistant Clerk*

Lora Thompson, *Chief Desk Clerk*

Lori Nichols, *Journal Clerk*

Xris Hess, *Bill Clerk*

SENATE OF WEST VIRGINIA
MEMBERS, OFFICERS, AND STANDING COMMITTEES

REGULAR SESSION, 2021

OFFICERS

President: Craig Blair, (R), Martinsburg
President pro Tempore: Donna J. Boley, (R), St. Marys
Clerk: Lee Cassis, Charleston
Sergeant at Arms: Joseph A. Freedman, Charleston
Doorkeeper: Jeffrey L. Branham, Cross Lanes

District	Name	Address
First	William J. Ihlenfeld, (D).....	Wheeling
	*Ryan W. Weld, (R).....	Wellsburg
Second	Charles H. Clements, (R)	New Martinsville
	*Michael J. Maroney, (R).....	Glen Dale
Third.....	Michael T. Azinger, (R)	Vienna
	*Donna J. Boley, (R).....	St. Marys
Fourth.....	*Amy N. Grady, (R).....	Leon
	Eric J. Tarr, (R).....	Scott Depot
Fifth.....	*Robert H. Plymale, (D).....	Huntington
	Michael A. Woelfel, (D).....	Huntington
Sixth	Mark R. Maynard, (R).....	Wayne
	*Chandler Swope, (R).....	Bluefield
Seventh.....	*Rupie Phillips, (R).....	Lorado
	Ron D. Stollings, (D).....	Madison
Eighth.....	*Glenn D. Jeffries, (D).....	Red House
	Richard D. Lindsay II, (D).....	Charleston
Ninth.....	Rollan A. Roberts, (R).....	Beaver
	*David Stover, (R).....	Mullens
Tenth	Stephen Baldwin, (D)	Ronceverte
	*Jack David Woodrum, (R).....	Hinton
Eleventh.....	Bill Hamilton, (R).....	Buckhannon
	*Robert L. Karnes, (R).....	Helvetia
Twelfth.....	*Patrick S. Martin, (R).....	Jane Lew
	Michael J. Romano, (D)	Clarksburg
Thirteenth	Robert D. Beach, (D).....	Morgantown
	*Mike Caputo, (D).....	Rivesville
Fourteenth	*Randy E. Smith, (R).....	Thomas
	Dave Sypolt, (R).....	Kingwood
Fifteenth	*Craig Blair, (R)	Martinsburg
	Charles S. Trump IV, (R).....	Berkeley Springs
Sixteenth.....	*Patricia Puertas Rucker, (R)	Harpers Ferry
	John R. Unger II, (D).....	Martinsburg
Seventeenth	*Eric Nelson, Jr., (R).....	Charleston
	Tom Takubo, (R).....	Charleston

*Elected in 2020 to full four-year term.

Democrats	11
Republicans	<u>23</u>
Total	34

SENATE COMMITTEES

STANDING COMMITTEES OF THE SENATE

2021

AGRICULTURE AND RURAL DEVELOPMENT

Senators Sypolt (*Chair*), Woodrum (*Vice Chair*), Grady, Martin, Maynard, Roberts, Rucker, Smith, Baldwin, Beach, and Unger.

BANKING AND INSURANCE

Senators Azinger (*Chair*), Clements (*Vice Chair*), Boley, Hamilton, Nelson, Rucker, Swope, Sypolt, Weld, Beach, Ihlenfeld, Romano, and Woelfel.

CONFIRMATIONS

Senators Boley (*Chair*), Takubo (*Vice Chair*), Azinger, Rucker, Tarr, Weld, Baldwin, Plymale, and Stollings.

ECONOMIC DEVELOPMENT

Senators Swope (*Chair*), Martin (*Vice Chair*), Azinger, Hamilton, Nelson, Roberts, Stover, Tarr, Woodrum, Ihlenfeld, Jeffries, Romano, Stollings, and Woelfel.

EDUCATION

Senators Rucker (*Chair*), Roberts (*Vice Chair*), Azinger, Boley, Clements, Grady, Tarr, Trump, Weld, Beach, Plymale, Romano, Stollings, and Unger.

ENERGY, INDUSTRY, AND MINING

Senators Smith (*Chair*), Phillips (*Vice Chair*), Boley, Clements, Hamilton, Martin, Nelson, Sypolt, Swope, Caputo, Ihlenfeld, Jeffries, and Romano.

ENROLLED BILLS

Senators Maynard (*Chair*), Roberts (*Vice Chair*), Tarr, Lindsay, and Woelfel.

SENATE COMMITTEES

FINANCE

Senators Tarr (*Chair*), Sypolt (*Vice Chair*), Boley, Clements, Hamilton, Maroney, Martin, Nelson, Roberts, Swope, Takubo, Baldwin, Ihlenfeld, Jeffries, Plymale, Stollings, and Unger.

GOVERNMENT ORGANIZATION

Senators Maynard (*Chair*), Swope (*Vice Chair*), Maroney, Martin, Nelson, Smith, Stover, Sypolt, Woodrum, Caputo, Ihlenfeld, Jeffries, Lindsay, and Woelfel.

HEALTH AND HUMAN RESOURCES

Senators Maroney (*Chair*), Grady (*Vice Chair*), Azinger, Roberts, Rucker, Stover, Takubo, Weld, Woodrum, Lindsay, Plymale, Stollings, and Unger.

INTERSTATE COOPERATION

Senators Woodrum (*Chair*), Stover (*Vice Chair*), Martin, Maynard, Trump, Ihlenfeld, and Romano.

JUDICIARY

Senators Trump (*Chair*), Weld (*Vice Chair*), Azinger, Blair, Grady, Maynard, Phillips, Rucker, Smith, Stover, Takubo, Woodrum, Beach, Caputo, Lindsay, Romano, and Woelfel.

MILITARY

Senators Weld (*Chair*), Phillips (*Vice Chair*), Grady, Hamilton, Maroney, Smith, Caputo, Lindsay, and Romano.

NATURAL RESOURCES

Senators Hamilton (*Chair*), Stover (*Vice Chair*), Grady, Phillips, Roberts, Rucker, Smith, Sypolt, Woodrum, Beach, Jeffries, Stollings, and Woelfel.

PENSIONS

Senators Nelson (*Chair*), Clements (*Vice Chair*), Azinger, Swope, Trump, Lindsay, and Plymale.

SENATE COMMITTEES

RULES

Senators Blair (*Chair*), Takubo (*Vice Chair*), Azinger, Boley, Maroney, Tarr, Trump, Weld, Baldwin, Plymale, and Stollings.

TRANSPORTATION AND INFRASTRUCTURE

Senators Clements (*Chair*), Swope (*Vice Chair*), Boley, Maynard, Roberts, Woodrum, Beach, Jeffries, and Plymale.

WORKFORCE

Senators Roberts (*Chair*), Nelson (*Vice Chair*), Maroney, Martin, Phillips, Smith, Tarr, Weld, Caputo, Jeffries, and Unger.

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2021

WEDNESDAY, JANUARY 13, 2021

Pursuant to section eighteen, article six of the Constitution of the State of West Virginia, which prescribes that the Legislature shall convene annually on the second Wednesday in January, the Legislature assembled in the state capitol in the City of Charleston on this the thirteenth day of January, 2021, for the first annual session of the eighty-fifth Legislature.

The Senate met in its chamber at 12:02 p.m.

Pending organization of the Senate by the election of a President, under the provisions of section twenty-four, article six of the Constitution, the Senate was called to order by the Honorable Donna J. Boley, a senator from the third senatorial district, being the oldest member present in point of continuous service.

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

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ryan W. Weld, a senator from the first district.

The following communication was reported by the Clerk:

The Senate of West Virginia
Charleston

PAUL HARDESTY
STATE SENATOR
7TH SENATORIAL DISTRICT



STATE CAPITOL, ROOM W-213
1900 KANAWHA BLVD. EAST
CHARLESTON, WV 25305-0800
304-357-7857

November 20, 2020

The Honorable President Mitch Carmichael
West Virginia Senate
State Capitol, 229-M
1900 Kanawha Blvd. E.
Charleston, West Virginia 25305

Dear President Carmichael,

It is with the utmost respect that I submit my resignation from the West Virginia Senate, effective December 1, 2020.

I have been blessed beyond measure to represent the Seventh District as a Senator. I have tried to serve faithfully, with a level head and heart for the people of my district. I owe a debt of immense gratitude to my colleagues, especially my brothers in the minority, for their willingness to serve the state alongside me. Though we have not always agreed on policy, I know that we have had the same motive—safeguarding our state's finances and future in the way that makes the most sense to us.

I am entering retirement in my private life. As I understand the Senate is unlikely to reconvene before the next Regular Session and my successor has already been elected, I choose to also retire from public office.

Thank you for your leadership and friendship during my tenure at the Capitol.

Sincerely,

A handwritten signature in blue ink, appearing to be "PH", written over a light blue circular stamp.

Paul Hardesty

The Honorable Mac Warner, Secretary of State, appeared at the bar of the Senate and presented the official returns of the election held on the third day of November, 2020, for members of the Senate for the State of West Virginia.

**CANDIDATES FOR STATE SENATOR
FOR THE STATE OF WEST VIRGINIA
APPEARING TO HAVE BEEN ELECTED
NOVEMBER 3, 2020**

First Senatorial District: Ryan W. Weld, of the County of Brooke;

Second Senatorial District: Michael J. Maroney, of the County of Marshall;

Third Senatorial District: Donna J. Boley, of the County of Pleasants;

Fourth Senatorial District: Amy N. Grady, of the County of Mason;

Fifth Senatorial District: Robert H. Plymale, of the County of Wayne;

Sixth Senatorial District: Chandler Swope, of the County of Mercer;

Seventh Senatorial District: Rupie Phillips, of the County of Logan;

Eighth Senatorial District: Glenn D. Jeffries, of the County of Putnam;

Ninth Senatorial District: David Stover, of the County of Wyoming;

Tenth Senatorial District: Jack David Woodrum, of the County of Summers;

Eleventh Senatorial District: Robert L. Karnes, of the County of Randolph;

Twelfth Senatorial District: Patrick S. Martin, of the County of Lewis;

Thirteenth Senatorial District: Mike Caputo, of the County of Marion;

Fourteenth Senatorial District: Randy E. Smith, of the County of Tucker;

Fifteenth Senatorial District: Craig Blair, of the County of Berkeley;

Sixteenth Senatorial District: Patricia Puertas Rucker, of the County of Jefferson;

Seventeenth Senatorial District: Eric Nelson, Jr., of the County of Kanawha.

From the foregoing official returns of the election of members of the Senate, it appears that the persons therein named were elected to the Senate at the election held on the Tuesday next after the first Monday in November, 2020.

Whereupon,

On the call of the roll of the Senate, the following members and members-elect answered to their names:

Azinger, Baldwin, Beach, Blair, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, and Woodrum.

Thirty-one present and prospective members having answered to their names, the Chair declared the presence of a quorum.

The following members-elect stood in his or her own place, taking and subscribing to the several oaths of office prescribed by the Constitution, which oaths were administered by the Honorable Evan H. Jenkins, Chief Justice of the Supreme Court of Appeals of West Virginia: Ryan W. Weld, of the County of Brooke; Donna J. Boley, of the County of Pleasants; Amy N. Grady, of the County of Mason; Robert H. Plymale, of the County of Wayne; Chandler Swope, of the County of Mercer; Rupie Phillips, of the County of Logan; Glenn D. Jeffries, of the County of Putnam; David Stover, of the County of Wyoming; Jack David Woodrum, of the County of Summers; Robert L. Karnes, of the County of Randolph; Patrick S. Martin, of the County of Lewis; Mike Caputo, of the County of Marion; Randy E. Smith, of the County of Tucker; Craig Blair, of the County of Berkeley; Patricia Puertas Rucker, of the County of Jefferson; and Eric Nelson, Jr., of the County of Kanawha.

The Senate then proceeded to its biennial organization.

The first order of business in the organization of the Senate being the election of a President,

For that office, Senator Trump nominated the Honorable Craig Blair, of the County of Berkeley; seconded by Senator Tarr.

On motion of Senator Baldwin, nominations for the office of President were closed and Senator Blair was elected President of the Senate by acclamation.

Whereupon, the Chair appointed Senators Trump, Tarr, and Baldwin a committee to escort the President-elect to the Chair.

A standing ovation was then accorded the President-elect, as he proceeded to the rostrum accompanied by the foregoing select committee.

Whereupon, Senator Blair qualified as President, by taking the several oaths of office prescribed by law and administered by the Honorable Evan H. Jenkins, Chief Justice of the Supreme Court of Appeals of West Virginia.

Senator Blair (Mr. President) assumed the Chair and addressed the Senate as follows:

MR. PRESIDENT: Thank you senators for your vote of confidence today.

We've got a path before us but we're going to change the State of West Virginia. But before I get to that point, I want to do a few more thank you's.

First of all, I want to thank all my friends. And that, again, is thanking the senators and the staff . . . some that are up in the gallery, some that are in the back. Life's not worth living without friends.

Felt a little bit like a funeral here because I missed the humor. I figured I was going to get worked a little bit here, but it was too orthodox so to speak. And so, I'll give you a little bit of humor before this is over and done with.

This is an honor and a privilege to be able to serve as your Senate President, both the majority and the minority . . . which I have been both. I know what it feels like to be outnumbered. I know what it feels like to be in the majority. But what I know more than anything is, is what it feels like to be a West Virginian. And that's what we're here to do. We're here to make the lives of West Virginians better; and we can do that together along with the House of Delegates and the Executive.

And by the way, it's been mentioned by the Junior Senator from the Fifteenth about being in the House. I proudly wear my House pin. There's many members in here right now that served in the House. We will work together with the House of Delegates, along with the Executive, to make this state the best state that it possibly can be. No idea will be off the table.

But two of them that are most important this year is making sure that we have broadband, fiber broadband hanging on the poles throughout the state to every West Virginian that we possibly can get it to. And we're going to do it. We're going to make it happen.

Personal income tax reduction and elimination will help us in a goal of bringing, over the next 10 years, over 400,000 people moving to the State of West Virginia. And we can do that as well.

I'm from the far east . . . the Eastern Panhandle. We have growth there; and it's because of our proximity to Baltimore, Washington, the East Coast. But that's not the only reason. We've been changing how we do business in the State of West Virginia the last six years, but further back than that. The tide has changed and it's coming in for West Virginia.

The average worker in West Virginia now makes over \$5,000 more a year. It's like \$5,219 than what they were six short years ago. This is how you get people to move back to West Virginia. And that was with minimal inflation. This is how we keep our best and brightest living in this state. And we've done that together. Now's the time to press down on the accelerator—speed up the opportunities of change for the State of West Virginia. And I can't stress this enough. And we will do this together.

Members of Finance that served as I was the Finance Chairman up there knew that I kept a board up there of all the bills that was running. And you never once were able to walk into that room and see whether I had who the bill sponsors were. I didn't care. If it's a good idea for the people of West Virginia and it can make their lives better, we're going to do it. I have every intention as your Senate President to travel that same course because we're in this together to fix it for the state.

I want to take a few seconds and recognize my family because, without them, I wouldn't have this opportunity to be here. First of all, my wife, for putting up with me, tolerating my absence . . . which will be even more now.

My son and daughter, who are both two incredible individuals in spite of me. In spite of me. And there's not a man that could be ever more proud of their children. And, to be quite honest, I've been blessed. I used to say I was lucky and somebody said, "No.

You're blessed." They were right. I've been blessed by both of my children.

My son had wisdom enough to marry a woman from Buckhannon. And she's been one of the delights of my life as well. And what those two have provided me though is something that I never dreamed I'd live to see—and that's a grandson. A grandson that knows how to excel. He knows how to win gracefully. But . . . we play cards and games and do stuff together all the time. He's demonstrated something to me that many do not. He knows how to lose as well. And that's one of the things in life that we need to learn better. It's not about winning. It's how you play the game and then if you lose, knowing how to do it gracefully. Cayden, you are a demonstration of what all men should be. Thank you. I couldn't be prouder.

I want to talk a little bit about myself. I've been a farmer. No wait, I want to back up.

Sometimes people don't realize how people have effects on their lives. We're really not allowed in the Senate to have props. But today, since I'm the Senate President—where's Lee at—I'm using props for a minute.

The first one is, (holding a W. Philip Porterfield for Senate sign) is that this was my grandfather and he ran for the Senate as a Republican in the fifteenth senatorial district. We used to have thousands of these but, on the farm that we worked on, they make great gasket material. So, we went through all of these and . . . a Democrat friend I graduated from high school gave me one of these. I'm so proud of this.

Another one that I'm very proud of was in seventh grade (holding an autographed Arch A. Moore photo). Arch Moore sent me this and it goes "Best wishes to Craig Blair from his friend Arch A. Moore, Governor". This was 1972. It's in gold ink, by the way. The Senator from Kanawha's got one that's very similar to this. But . . . where's Marilyn at? Marilyn Parsons, who's the Executive Assistant to the President now, was in that office when he took gold

foil and wrote on it. I did not know that that's how the gold ink was applied there until I joined the House of Delegates in 2003 and I was talking about this. And Marilyn was actually in that office and I need to take a few seconds for Marilyn, as well, who I consider family. Thank you for being here for the Senate. Not just for me, but for the Senate. You are an absolute godsend to the State of West Virginia.

I started talking about my work as a farmer. Somebody said to me the other day that your biography has a thing that I worked at Kentucky Fried Chicken (holding up a KFC bowtie). I was proud of earning the "White Glove Award"—and all the oldtimers might remember—"White Glove Award" was a big deal for Kentucky Fried Chicken. I still have this and think about it and it is an absolute honor to have been there. The Colonel passed away before he got . . . because he would come to every store that earned this. Notice I used the word "earned". We had to work hard for this. It taught me something. And that is, is work hard, achieve your goals, and never quit.

I grew up on a farm—apples and peaches—learned many things. Went to school to be an electrician. Went to school for many other things as well in the evening . . . to learn how to do welding, electronics . . . there's even more . . . refrigeration. Ammonia refrigeration is where, when I left the farm and did that, and I was a refrigeration engineer, we could fill this room up about every two days with ice. I manufactured ice.

And then I started my own business part time. That's where the name Sunset Water came from—when the sun went down, I started working for myself. And it grew into a full-time business. And I became a water treatment specialist which I had to do all kinds of education to be able to do that.

And the reason I'm drawing the point on this education level, because it's been brought to my attention by a certain . . . I'm not going to call him a reporter . . . but was making a big deal out of the fact that this will be your first Senate President in 106 years, I think it was, who doesn't have a college education. Let me tell you

what: That type of logic hurts the people of West Virginia. What helps the people of West Virginia is making sure that all our people have the ability to have skills. And you don't have to be loved for what you do. What you have to do is do what you do so well that people love you for it. That's the most important thing. And I've tried to live my life like that.

And I've been lucky. But I've also been lucky to be surrounded by friends like yourself and friends like in the gallery and friends that are back home and throughout this state. And that's the beauty of being a West Virginian. Because when you walk down the sidewalk, West Virginians look at each other and they'll say, "Good morning. How are you doing?" You have a flat tire along the side of the road, people will stop and help.

This is how we're going to bring 400,000 people back to the State of West Virginia with job opportunities. We can get it done without doing tax increases.

I also want to say thank you to my predecessors: Former Senate President Bill Cole, former Senate President Mitch Carmichael, and we got former Finance Chairman Mike Hall back there as well. You guys have set the path forward, along with Senator Tomblin for that matter who took our pensions and whenever we travel throughout the country, people come up to us and say, "You guys in West Virginia have got your pensions under control. What did you do? How did you do it?" That path was set long before we became the majority. And we're building off that foundation.

This body, this Senate body, will continue to build at an accelerated rate of providing the best educational and job opportunities and entertainment opportunities that this state has ever witnessed. And there's nothing that's going to stop us unless we stop ourselves. We're going to be prepared. We're going to be proactive. We're going to work with the House. And we're going to work with the Governor. And we're going to get this job done for the people of West Virginia.

Thank you ladies and gentlemen. I appreciate this honor and privilege to be your Senate President.

Let's get to work.

At the request of Senator Takubo, and by unanimous consent, the foregoing acceptance remarks by Senator Blair (Mr. President) were ordered extended in the Journal.

The next order of business being the election of a Clerk,

For that office, Senator Takubo nominated the Honorable Lee Cassis, of the County of Kanawha; seconded by Senator Stollings.

On motions of Senator Baldwin, severally made, nominations were closed and the President was authorized to cast the unanimous vote of the Senate for the election of Mr. Cassis.

The President then announced the vote and declared that Mr. Cassis, having received all the votes cast, had been unanimously reelected Clerk of the Senate.

Whereupon, Mr. Cassis qualified as Clerk, by taking the several oaths of office prescribed by law and administered by the Honorable Evan H. Jenkins, Chief Justice of the Supreme Court of Appeals of West Virginia.

The next order of business being the election of a Sergeant at Arms,

For that office, Senator Weld nominated the Honorable Joseph A. Freedman, of the County of Kanawha; seconded by Senator Ihlenfeld.

On motions of Senator Baldwin, severally made, nominations were closed and the President was authorized to cast the unanimous vote of the Senate for the election of Mr. Freedman.

The President then announced the vote and declared that Mr. Freedman, having received all the votes cast, had been unanimously reelected Sergeant at Arms of the Senate.

Whereupon, Mr. Freedman qualified as Sergeant at Arms, by taking the several oaths of office prescribed by law and administered by the Honorable Evan H. Jenkins, Chief Justice of the Supreme Court of Appeals of West Virginia.

The last order of business in the biennial organization of the Senate being the election of a Doorkeeper,

For that office, Senator Boley nominated the Honorable Jeffrey L. Branham, of the County of Kanawha; seconded by Senator Lindsay.

On motions of Senator Baldwin, severally made, nominations were closed and the President was authorized to cast the unanimous vote of the Senate for the election of Mr. Branham.

The President then announced the vote and declared that Mr. Branham, having received all the votes cast, had been unanimously reelected Doorkeeper of the Senate.

Whereupon, Mr. Branham qualified as Doorkeeper, by taking the several oaths of office prescribed by law and administered by the Honorable Evan H. Jenkins, Chief Justice of the Supreme Court of Appeals of West Virginia.

With the completion of organization of the Senate, by the election of officers for the eighty-fifth Legislature,

The first organizing resolution was then offered, Senator Takubo submitting the following:

Senate Resolution 1—Adopting rules of the Senate.

Resolved by the Senate:

That the rules of the Senate in effect at the expiration of the eighty-fourth Legislature are hereby adopted and shall govern the proceedings of the regular sessions of the eighty-fifth Legislature and any extraordinary sessions insofar as applicable, subject to amendment as provided by Rule 60.

At the request of Senator Takubo, 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 1:12 p.m., the Senate recessed for the purpose of making introductions.

The Senate reconvened at 1:17 p.m. today.

Senator Takubo then offered the following resolution:

Senate Resolution 2—Raising a committee to notify the House of Delegates the Senate has assembled and completed its organization.

Resolved by the Senate:

That a committee of three be appointed by the President to inform the House of Delegates that the Senate has assembled, with a quorum present, organized by the election of the Honorable Craig Blair as President and the reelection of Mr. Lee Cassis as Clerk, and is ready to proceed with the business of this regular session.

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

Whereupon, the President appointed as members of such committee, the following:

Senators Martin, Nelson, and Caputo.

Subsequently, Senator Martin reported that the committee had performed the duty assigned to it.

The first message this session from the House of Delegates, by

Delegates Graves, Gearheart, and Boggs, announced that the House of Delegates has assembled, with a quorum present, organized by the reelection of the Honorable Roger Hanshaw as Speaker, and Mr. Stephen J. Harrison as Clerk, and is ready to proceed with the business of this first regular session of the eighty-fifth Legislature.

Senator Takubo then offered the following resolution:

Senate Resolution 3—Raising a committee to inform the Governor that the Legislature is organized.

Resolved by the Senate:

That a committee of three on the part of the Senate, to join with a committee on the part of the House of Delegates, be appointed by the President to notify His Excellency, the Governor, that the Legislature has assembled in regular session and organized by the election of officers as required by the Constitution and is ready, with a quorum of each house present, to proceed with the business of this session and to receive any communication or message he may desire to present.

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

Whereupon, the President appointed as members of such committee, the following:

Senators Phillips, Grady, and Woelfel.

A message from the House of Delegates, by

Delegates Rowan, Phillips, and Lovejoy, announced that the Speaker had appointed them a committee of three to join with the similar committee on the part of the Senate under the provisions of Senate Resolution 3 to wait upon the Governor. Senate and House

members of this select committee then proceeded to the executive offices.

Subsequently, Senator Phillips reported that the joint Senate and House committee had performed the duty assigned to it.

Senator Tarr offered the following resolution:

Senate Resolution 4—Relating to the mailing of bills and journals.

Resolved by the Senate:

That during the regular and any extraordinary sessions of the eighty-fifth Legislature the Clerk of the Senate is hereby authorized to have mailed from the Senate document room copies of bills and daily journals of the Senate; the expenses of such mailing, including postage, to be paid out of the contingent fund of the Senate by the Auditor of West Virginia, in advance of the appropriation therefor, under requisition drawn by the Clerk of the Senate.

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

Senator Tarr offered the following resolution:

Senate Resolution 5—Authorizing the appointment of permanent and per diem employees for the First Regular Session of the Eighty-Fifth Legislature and payment of their compensation.

Resolved by the Senate:

That the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate is hereby authorized to appoint employees to receive the per diem compensation, as herein provided, during this regular sixty-day session of the Eighty-Fifth Legislature, and any extension thereof as follows:

Up to thirty Class I administrative assistants at a rate of eighty dollars per diem to one hundred ten dollars per diem;

Up to four Class II administrative assistants at a rate of eighty dollars per diem to one hundred twenty dollars per diem;

Up to five legislative analysts at a rate of eighty dollars per diem to two hundred dollars per diem;

Up to ten legal counselors at a rate of two hundred five dollars per diem to two hundred eighty dollars per diem; assignments and salary to be determined by the presiding officer of the Senate;

Up to four proofreaders at a rate of eighty dollars per diem to one hundred dollars per diem;

One Sergeant at Arms at a rate not to exceed one hundred fifty dollars per diem;

Up to two assistants to the Sergeant at Arms at a rate of eighty dollars per diem to one hundred dollars per diem;

One Doorkeeper at a rate not to exceed one hundred fifty dollars per diem;

Up to six assistants to the Doorkeeper at a rate of eighty dollars per diem to one hundred dollars per diem;

Up to three mail clerks at a rate of eighty dollars per diem to one hundred dollars per diem;

Two night custodians at a rate of eighty to eighty-five dollars per diem;

The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such per diem staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by this Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the

presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the presiding officer of the Senate. In all such cases, the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to supervise and dismiss such staff personnel; and, be it

Further Resolved, That the appointment of salaried full-time employees of the Senate for the year two thousand twenty and their compensation, at the following amounts per month, for such periods of time as they are employed in the positions designated, is hereby authorized, as follows:

Clerk	7,697.50
Assistant Clerk.....	5,629.93
Executive Assistant to Clerk.....	3,544.17
Fiscal Officer	5,452.50
Fiscal Officer	5,452.50
Director of Technology.....	4,794.17
Chief Desk Clerk	5,376.29
Chief Journal Clerk.....	4,709.10
Bill Clerk	3,294.17
Clerk to Minor Committees	3,739.17
Counsel to President	9,697.50
Executive Assistant to President.....	7,127.50
Director of Communications	6,590.00
Parliamentarian	5,127.50
Executive Assistant to Majority Leader	4,197.50
Counsel to Minority Leader.....	6,416.67
Administrative Assistant to Minority Leader	3,083.33
Counsel to Education Committee	7,666.17
Clerk/Analyst to Education Committee.....	3,739.17
Administrative Assistant to	
Education Committee	2,666.67
Counsel to Finance Committee.....	7,697.50
Budget Analyst to Finance Committee.....	4,364.17

Budget Analyst to Finance Committee	3,614.17
Assistant to Finance Chairman/Clerk	3,739.17
Administrative Assistant to Finance Committee ...	2,877.50
Counsel to Government Organization	7,072.50
Clerk to Government Organization Committee....	3,739.17
Administrative Assistant to Government Organization Committee	3,764.98
Counsel to Health and Human Resources Committee	7,072.50
Clerk to Health and Human Resources Committee	3,739.17
Counsel to Judiciary Committee.....	7,072.50
Clerk/Analyst to Judiciary Committee	3,739.17
Supervisor, Materials & Supplies	4,676.66
Purchasing & Procurement Clerk	3,940.85
Mail Clerk.....	2,460.83
Custodian	2,565.35

The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such full-time staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by this Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the presiding officer of the Senate. In all such cases, the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to supervise and dismiss such staff personnel.

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

Senators Blair (Mr. President), Takubo, and Baldwin offered the following resolution:

Senate Concurrent Resolution 1—Adopting joint rules of the Senate and House of Delegates.

Resolved by the Legislature of West Virginia:

That the Joint Rules of the Senate and House of Delegates governing the eighty-fourth Legislature are hereby adopted to govern the proceedings of the eighty-fifth Legislature, subject to subsequent amendment.

At the request of Senator Takubo, 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 the resolution, the same was put and prevailed.

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

Senators Blair (Mr. President), Tarr, and Baldwin offered the following resolution:

Senate Concurrent Resolution 2—Relating to the payment of bills for supplies, services and printing and authorized contingent and other expenses of the eighty-fifth Legislature.

Resolved by the Legislature of West Virginia:

That for the regular and any extraordinary session of the eighty-fifth Legislature, the Auditor of West Virginia, in advance of the appropriation for such purposes, is hereby authorized, upon proper requisition of the Clerk of the Senate and the Clerk of the House of Delegates, to pay bills for supplies and for services furnished to the Legislature preparatory to the beginning of, during and following the adjournment of sessions, including contingent expenses of the respective houses; the per diem of officers, other than the President of the Senate and the Speaker of the House of Delegates, and employees of the Senate and of the House of Delegates; travel expenses of members as authorized by law; bills for legislative

printing as the accounts for same become due; and any other authorized contingent and other expenses of the Legislature or the respective houses.

At the request of Senator Takubo, 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 the resolution, the same was put and prevailed.

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

The Senate proceeded to the third order of business.

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

House Concurrent Resolution 1—Raising a Joint Assembly to open and publish election returns.

Resolved by the Legislature of West Virginia:

That the two houses of the Legislature convene in Joint Assembly in the Hall of the House of Delegates at 1:45 o'clock postmeridian, this day, that the Speaker of the House of Delegates may, in the presence of the Senate, open and publish the returns of the election held throughout the State on the 3rd day of November, 2020, as provided by Sec. 3, Article VII of the Constitution.

At the request of Senator Takubo, 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 the resolution, the same was put and prevailed.

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

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

House Concurrent Resolution 2—Providing for an adjournment of the Legislature until February 10, 2021.

Whereas, The first regular session of the 85th Legislature assembled on this date, the second Wednesday in January, 2021, organized by the election of officers of the two houses, and the two houses in joint assembly opened and published the returns of the election of state officers held on the 3rd day of November, 2020, all as prescribed by Section 18, Article VI of the Constitution of the State; and the two houses adopted rules to govern their proceedings and separately and concurrently acted on certain other matters incident to organization; therefore, be it

Resolved by the Legislature of West Virginia:

That having complied with the provisions of said section of the Constitution, when adjournment is taken by the two houses this day, such adjournment shall be until February 10, 2021, at 12 o'clock meridian.

At the request of Senator Takubo, 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 the resolution, the same was put and prevailed.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 1, Adopting joint rules of Senate and House of Delegates.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 2, Authorizing payment of expenses of 85th Legislature.

Senator Blair (Mr. President) announced appointment of the standing committees of the Senate for this first session of the eighty-fifth Legislature and, at the request of Senator Takubo, and by unanimous consent, the complete list was ordered printed in the Journal as follows:

STANDING AND SELECT COMMITTEES OF THE SENATE

2021

AGRICULTURE AND RURAL DEVELOPMENT

Senators Sypolt (*Chair*), Woodrum (*Vice Chair*), Grady, Martin, Maynard, Roberts, Rucker, Smith, Baldwin, Beach, and Unger.

BANKING AND INSURANCE

Senators Azinger (*Chair*), Clements (*Vice Chair*), Boley, Hamilton, Karnes, Nelson, Rucker, Swope, Weld, Beach, Ihlenfeld, Romano, and Woelfel.

CONFIRMATIONS

Senators Boley (*Chair*), Takubo (*Vice Chair*), Azinger, Rucker, Tarr, Weld, Baldwin, Plymale, and Stollings.

ECONOMIC DEVELOPMENT

Senators Swope (*Chair*), Martin (*Vice Chair*), Azinger, Hamilton, Nelson, Roberts, Stover, Tarr, Woodrum, Ihlenfeld, Jeffries, Romano, Stollings, and Woelfel.

EDUCATION

Senators Rucker (*Chair*), Karnes (*Vice Chair*), Azinger, Boley, Clements, Grady, Roberts, Tarr, Trump, Beach, Plymale, Romano, Stollings, and Unger.

ENERGY, INDUSTRY, AND MINING

Senators Smith (*Chair*), Phillips (*Vice Chair*), Boley, Clements, Hamilton, Martin, Nelson, Sypolt, Swope, Caputo, Ihlenfeld, Jeffries, and Romano.

ENROLLED BILLS

Senators Maynard (*Chair*), Roberts (*Vice Chair*), Tarr, Lindsay, and Woelfel.

FINANCE

Senators Tarr (*Chair*), Sypolt (*Vice Chair*), Boley, Clements, Hamilton, Maroney, Martin, Nelson, Roberts, Swope, Takubo, Baldwin, Ihlenfeld, Jeffries, Plymale, Stollings, and Unger.

GOVERNMENT ORGANIZATION

Senators Maynard (*Chair*), Swope (*Vice Chair*), Maroney, Martin, Nelson, Smith, Stover, Sypolt, Woodrum, Caputo, Ihlenfeld, Jeffries, Lindsay, and Woelfel.

HEALTH AND HUMAN RESOURCES

Senators Maroney (*Chair*), Grady (*Vice Chair*), Azinger, Roberts, Rucker, Stover, Takubo, Weld, Woodrum, Lindsay, Plymale, Stollings, and Unger.

INTERSTATE COOPERATION

Senators Karnes (*Chair*), Stover (*Vice Chair*), Maynard, Trump, Woodrum, Ihlenfeld, and Romano.

JUDICIARY

Senators Trump (*Chair*), Weld (*Vice Chair*), Azinger, Grady, Karnes, Maynard, Phillips, Rucker, Smith, Stover, Takubo, Woodrum, Beach, Caputo, Lindsay, Romano, and Woelfel.

MILITARY

Senators Weld (*Chair*), Phillips (*Vice Chair*), Grady, Hamilton, Maroney, Smith, Caputo, Lindsay, and Romano.

NATURAL RESOURCES

Senators Hamilton (*Chair*), Stover (*Vice Chair*), Grady, Phillips, Roberts, Rucker, Smith, Sypolt, Woodrum, Beach, Jeffries, Stollings, and Woelfel.

PENSIONS

Senators Nelson (*Chair*), Clements (*Vice Chair*), Azinger, Karnes, Trump, Lindsay, and Plymale.

RULES

Senators Blair (*Chair*), Takubo (*Vice Chair*), Azinger, Boley, Maroney, Tarr, Trump, Weld, Baldwin, Plymale, and Stollings.

TRANSPORTATION AND INFRASTRUCTURE

Senators Clements (*Chair*), Swope (*Vice Chair*), Boley, Karnes, Maynard, Roberts, Beach, Jeffries, and Plymale.

WORKFORCE

Senators Roberts (*Chair*), Nelson (*Vice Chair*), Maroney, Martin, Phillips, Smith, Tarr, Weld, Caputo, Jeffries, and Unger.

The President then announced the appointment of Senator Takubo, of the County of Kanawha, as the majority leader of the Senate;

Senator Baldwin, of the County of Greenbrier, as the minority leader of the Senate;

Senator Weld, of the County of Brooke, as the majority whip of the Senate;

Senator Woelfel, of the County of Cabell, as the minority whip of the Senate;

And,

Senator Boley, of the County of Pleasants, as President *pro Tempore* of the Senate.

The hour of 1:45 p.m. having arrived, that being the time set for the joint assembly to open and publish state election returns (under the provisions of H. C. R. 1, previously adopted by the Senate),

On motion of Senator Takubo, the Senate recessed until five minutes after adjournment of the joint assembly. Members of the Senate then repaired in a body to the hall of the House of Delegates.

(NOTE: For formal procedure in the joint assembly, see the Journal of the House of Delegates for this day.)

The joint assembly having been dissolved, at 2:12 p.m., the Senate returned to its chamber and resumed its regular session.

The Senate proceeded to the thirteenth order of business.

Senator Blair presented Senators Boley, Caputo, Grady, Martin, Nelson, Phillips, Stover, and Woodrum with Senate service pins.

On motion of Senator Takubo, and in accordance with House Concurrent Resolution 2, previously adopted, at 2:18 p.m., the Senate adjourned until Wednesday, February 10, 2021, at 12 o'clock Noon.

WEDNESDAY, FEBRUARY 10, 2021

The Senate met at 12 Noon.

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

Prayer was offered by Bishop Joe Thomas, Nondenominational Fellowship Pentecostal Ministries, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Charles S. Trump IV, a senator from the fifteenth district.

Pending the reading of the Journal of Wednesday, January 13, 2021,

On motion of Senator Caputo, 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.

Michael J. Maroney, of the County of Marshall, having been among the candidates for State Senator for the State of West Virginia appearing to have been elected November 3, 2020, and having been absent on January 13, 2021, at the convening of the Eighty-Fifth Legislature, was administered the several oaths of

office prescribed by the Constitution by the Honorable Bruce Lee Cassis, Jr., Senate Clerk, on February 10, 2021.

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills and joint resolutions were considered introduced, read by their titles, and referred to the appropriate committees:

By Senator Takubo:

Senate Bill 1—A Bill to amend and reenact §5-16-7b of the Code of West Virginia, 1931, as amended; to amend and reenact §30-1-26 of said code; to amend and reenact §30-14-12d of said code; to amend and reenact §30-30-13a of said code; and to amend and reenact §33-57-1 of said code, all relating to telehealth services; defining terms; requiring plans to provide reimbursement for a telehealth service on the same basis and at the same rate as if the service is provided in-person; permitting physician-patient relationship to begin with an audio-only call or conversation in real time; and adding criteria to the standard of care related to telehealth services.

Referred to the Committee on Health and Human Resources.

By Senator Tarr:

Senate Bill 2—A Bill to amend and reenact §12-6C-11 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §12-6C-11a; to amend and reenact §31-15-8 of said code; and to amend said code by adding thereto a new section, designated §31-15-8a, all relating generally to economic development loans and loan insurance issued by the state; eliminating provision stating that Economic Development Authority has no fiduciary duty with regard to economic development loans; providing that the Board of Treasury Investments may inspect and copy, upon written notice, all records related to loans made available by the board to the Economic Development Authority; defining terms; limiting the total amount of loan moneys that the board shall make available to the authority

for the Broadband Loan Insurance Program to \$80 million; setting forth requirements that must be met before broadband loan insurance moneys will be made available to the authority; providing that board shall maintain broadband loan insurance loan moneys in a separate account in the Consolidated Fund; providing that broadband loan insurance moneys may only be drawn upon in the event of a broadband provider default on an insured debt or security instrument; limiting the amount of loan insurance that the authority may issue to a single broadband provider to \$20 million; clarifying that the authority may not deduct administrative or operational costs from broadband loan insurance loan moneys; setting forth requirements that must be met before the authority may draw on broadband loan insurance moneys in the event of a broadband provider's default; requiring the authority to submit quarterly reports to the Joint Committee on Government and Finance and to the Governor containing certain information related to its loan insurance program; requiring the authority to make applications for broadband loan insurance publicly available on its website; establishing the minimum information an applicant for broadband loan insurance shall be required to submit to the authority; establishing minimum criteria that the authority must consider in its broadband loan insurance application review process; providing that the authority may not issue loan insurance to a broadband provider that has previously defaulted on any debt or security instrument insured by the authority; requiring the authority to post certain information regarding loan insurance agreements on its website; requiring the authority to adhere to certain accounting and record-keeping practices; requiring the authority to submit quarterly reports to the Board of Treasury Investments, the Joint Committee on Government and Finance, and the Governor containing certain information on insured loans and broadband projects financed by insured loans; requiring an annual legislative audit of the Broadband Loan Insurance Program; removing obsolete language; and making technical corrections.

Referred to the Committee on Government Organization.

By Senator Trump:

Senate Bill 3—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to prohibiting civil actions for personal injuries or loss of life caused by coronavirus; providing definition; and prescribing application of section.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 4—A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-2D-16a; to amend said code by adding thereto a new section, designated §23-1-1h; to amend and reenact §23-5-1, §23-5-3, §23-5-5, §23-5-6, §23-5-8, §23-5-9, §23-5-10, §23-5-11, §23-5-12, §23-5-13, §23-5-15, and §23-5-16 of said code; to amend said code by adding thereto a new section, designated §23-5-8a; to amend and reenact §29A-5-4 of said code; to amend and reenact §29A-6-1 of said code; to amend and reenact §51-2A-24 of said code; 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, §51-11-13, and §51-11-14; and to amend and reenact §58-5-1 of said code, all relating generally to the West Virginia Appellate Reorganization Act of 2021; providing that the Judicial Vacancy Advisory Commission shall assist the Governor in filling judicial vacancies in an Intermediate Court of Appeals; transferring jurisdiction over appeals of decisions of the Health Care Authority in certificate of need reviews from the Workers' Compensation Office of Administrative Judges to the Intermediate Court of Appeals; transferring jurisdiction over objections filed in workers' compensation claims from the Office of Judges to the Workers' Compensation board of review; terminating the Office of Judges by a certain date and transferring all powers and duties, related to objections, from the Office of Judges to the board of review; providing that the Insurance Commissioner shall have administrative oversight and authority over the board of review;

authorizing the board of review to hire hearing examiners meeting certain qualifications and classified as attorneys; requiring the chairman of the board of review to assign a member of the board to each objection; requiring that all orders and decisions of the board of review pertaining to an objection be issued and signed by a single member of the board of review; permitting the board of review member assigned to an objection to delegate certain duties to a hearing examiner; establishing the administrative powers and duties of the board of review; increasing the limit on the annual salary of a board of review member; authorizing the board of review to promulgate rules of practice and procedure, and establishing a process therefor; establishing duties of the chairman of the board of review; providing that the administrative expenses of the board of review shall be included in annual budget of the Insurance Commissioner; providing that petitions for review of final decisions of the Workers' Compensation Board of Review shall be made to the Intermediate Court of Appeals; establishing certain procedures and other requirements for appeals of board of review decisions made to the Intermediate Court of Appeals; providing that the Supreme Court of Appeals has discretion to review final decisions of the Intermediate Court of Appeals in workers' compensation claims; requiring that appeal of contested cases under the State Administrative Procedures Act be made to the Intermediate Court of Appeals; transferring jurisdiction to review family court final orders from circuit courts to the Intermediate Court of Appeals; creating an Intermediate Court of Appeals in West Virginia to be operational by a certain date; providing a short title; providing legislative findings; defining terms; establishing and defining two geographical districts of the Intermediate Court of Appeals; requiring a three-judge panel for proceedings of each district of the Intermediate Court of Appeals; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing that parties to an appeal in the Intermediate Court of Appeals shall have an opportunity for a full and meaningful review on the record of the lower tribunal and an opportunity to be heard; establishing a procedure by which parties to an appeal in the Intermediate Court of Appeals may file

a motion for direct review of an appeal by the Supreme Court of Appeals in extraordinary circumstances; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing a process for initial appointment of judges to the Intermediate Court of Appeals to fill vacancies in the Intermediate Court of Appeals upon its creation; providing for an initial election of judges to the Intermediate Court of Appeals for staggered terms; providing for the regular election of a judge to each district of the Intermediate Court of Appeals upon the expiration of a sitting judge's term; establishing a procedure for the filling of vacancies in unexpired judicial terms by appointment and in certain circumstances, subsequent election; providing that the Governor's judicial appointments shall be made from a list of candidates submitted by the Judicial Vacancy Advisory Commission and are subject to advice and consent of the Senate; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected public office during the judicial term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; requiring the Chief Judge of the Intermediate Court of Appeals to publish and submit certain reports to the Legislature and Supreme Court of Appeals regarding pending cases; authorizing filing fees; providing for deposit of filing fees in a special revenue account to fund the State Police Forensic Laboratory; recognizing the constitutional authority of the Supreme Court of Appeals to exercise administrative authority over the Intermediate Court of Appeals; providing that procedures and operations of the Intermediate Court of Appeals shall comply with rules promulgated by the Supreme Court of Appeals; requiring that appeals to the Intermediate Court of Appeals be filed with the Clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings shall take place in publicly available facilities as arranged by the Administrative Director of the Supreme Court of Appeals; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the Administrative Director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations;

providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for lower courts; providing that the Intermediate Court of Appeals shall issue written decisions as a matter of right; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; providing internal effective dates; removing obsolete language from the code; and making technical corrections to the code.

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

By Senators Rucker and Trump:

Senate Bill 5—A Bill to amend and reenact §46A-5-104 and §46A-5-108 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §46A-5-109, all relating to claims arising out of the West Virginia Consumer Credit and Protection Act.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 6—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, §21-5I-4, §21-5I-5, and §21-5I-6, all relating to the West Virginia Employment Law Worker Classification Act; and clarifying definition of “independent contractor”.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 7—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6B-

4-1, relating to a limitation on political activity by public employees.

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 8—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-31, relating to the castle doctrine and self-defense standards.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 9—A Bill to amend and reenact §29-22A-10 of the Code of West Virginia, 1931, as amended, relating to continuation of Licensed Racetrack Modernization Fund; and making technical corrections.

Referred to the Committee on Finance.

By Senator Tarr:

Senate Bill 10—A Bill to amend and reenact §29-22C-8 of the Code of West Virginia, 1931, as amended, relating to changing date the annual racetrack table games license renewal fee is due to October 1 annually; and making technical corrections.

Referred to the Committee on Finance.

By Senator Rucker:

Senate Bill 11—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-45a, relating to declaring any work stoppage or strike by public employees to be unlawful; providing legislative findings; defining when a county board of education employee is considered to be participating in a concerted work stoppage or strike; prohibiting use of accrued and equivalent instructional time to cancel days lost due to a concerted work stoppage or strike; prohibiting a waiver by the state board for a county board of education's noncompliance with the employment and instructional term requirements if the noncompliance is the result of a concerted

work stoppage or strike; declaring participation in a concerted work stoppage or strike to be grounds for termination; requiring, if the employee remains employed, county boards of education to withhold the prorated salary or hourly pay of each employee participating in the concerted work stoppage or strike for each day the employee participates; requiring the sums to be forfeited to the county board of education; prohibiting participation in extracurricular activities when an originally scheduled instructional day or noninstructional day is canceled due to a concerted work stoppage or strike; and prohibiting a superintendent from closing a school in anticipation of, or to facilitate, a concerted work stoppage or strike.

Referred to the Committee on Education.

By Senator Maroney:

Senate Bill 12—A Bill to amend and reenact §16-2-2, §16-2-6, §16-2-7, §16-2-8, §16-2-9, and §16-2-11 of the Code of West Virginia, 1931, as amended, all relating to local health departments; creating definition; permitting members of the appointing authority to serve as nonvoting, ex officio members of the board; permitting appointing authority to remove local health department board member; requiring rules adopted, promulgated, and amended by local boards of health have a 30-day public comment published in the State Register; setting forth requirement for notice; requiring written comments received during comment period be presented to appointing authority for approval or disapproval in whole or in part within specified time frames; providing amendments or modifications not approved may be resubmitted; requiring that approved rules shall be filed with the clerk of the county commission or the clerk or the recorder of the municipality, or both, and shall be kept as public records; and requiring placing a local health department under the authority of the state health officer when a state of emergency is declared.

Referred to the Committee on Health and Human Resources.

By Senator Tarr:

Senate Bill 13—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-10-1, §49-10-2, §49-10-3, and §49-10-4, all relating to protecting

rights of conscience for child welfare services providers; defining terms; defining applicability; setting forth protection for child welfare services providers; and providing for secondary services providers in catchment area.

Referred to the Committee on Health and Human Resources.

By Senator Rucker:

Senate Bill 14—A Bill to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to creating a third set of conditions for which a person may be issued a professional teaching certificate for teaching in the public schools; and providing that teaching certificates granted pursuant to the new set of conditions are equivalent to certificates granted to graduates of teacher preparation programs at public higher education institutions.

Referred to the Committee on Education.

By Senator Rucker:

Senate Bill 15—A Bill to amend and reenact §18A-4-1 and §18A-4-2 of the Code of West Virginia, 1931, as amended, all relating generally to in-field master's degree; revising definition of "M.A."; providing that salary increase for holding an in-field master's degree is contingent upon a classroom teacher's assignment; requiring the state board to promulgate rules for the administration and implementation of the in-field master's salary; allowing an educator to request the Higher Education Policy Commission for a specific master's degree program; requiring the Higher Education Policy Commission to develop a plan to provide M.A. classification programs to professional educators throughout the state; and prohibiting a classroom teacher from receiving the salary increase for any education level above A.B. plus 15 unless certain in-field master's degree related requirements have been met.

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

By Senator Romano:

Senate Bill 16—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1 and §9-11-2, all relating to providing continued eligibility for developmental disability services to dependents of military service members; defining terms; establishing dependents retention of rights for developmental disability services provided conditions are met; providing dependents be placed on waiting list for services; establishing a process to reestablish services for dependent upon return to state; prohibiting payment for services rendered outside state; and providing for rulemaking.

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

By Senator Romano:

Senate Bill 17—A Bill to amend and reenact §3-8-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-8-8a, all relating to requiring certain disclosures of election expenditures; clarifying when contributions are required to be disclosed; creating exceptions; clarifying that certain federal entities must make certain state disclosures; requiring disclosure of covered transfers; stating legislative findings; defining terms; providing requirements for disclosure of donations pertaining to the transfer of certain sums of money regarding campaign-related disbursements; requiring certain disclosures be made within 48 hours; specifying information required in the disclosures; clarifying the relationship between covered transfers and other regulated areas of election expenditures; creating a misdemeanor offense; and authorizing rulemaking.

Referred to the Committee on the Judiciary.

By Senator Romano:

Senate Bill 18—A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to allowing workers' compensation benefits for first responders diagnosed with

post-traumatic stress disorder resulting from an event that occurred during their employment.

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

By Senator Lindsay:

Senate Bill 19—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-8-101, relating to designating social workers in the Department of Health and Human Resources to promote better student school attendance and performance, and the health and well-being of students at home; describing duties; and limiting use of information obtained.

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

By Senator Lindsay:

Senate Bill 20—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-30-14a, relating to social workers; and creating a litigation practice license for social workers.

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

By Senator Lindsay:

Senate Bill 21—A Bill to amend and reenact §5-10A-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-10D-1 of said code; and to amend said code by adding thereto a new article, designated §16-5VV-1, §16-5VV-2, §16-5VV-3, §16-5VV-4, §16-5VV-5, §16-5VV-6, §16-5VV-7, §16-5VV-8, §16-5VV-9, §16-5VV-10, §16-5VV-11, §16-5VV-12, §16-5VV-13, §16-5VV-14, §16-5VV-15, §16-5VV-16, §16-5VV-17, §16-5VV-18, §16-5VV-19, §16-5VV-20, §16-5VV-21, §16-5VV-22, §16-5VV-23, §16-5VV-24, §16-5VV-25, §16-5VV-26, §16-5VV-27, §16-5VV-28, §16-5VV-29, §16-5VV-30, §16-5VV-31, §16-5VV-32, §16-5VV-33, §16-5VV-34, and §16-5VV-35, all relating to the Consolidated Public Retirement Board; providing that board

administer the Emergency Medical Services Retirement System; establishing the Emergency Medical Services Retirement System; setting forth definitions; including application of honorable service condition to plan participants; providing effective dates and voting requirement; establishing federal qualification requirements; providing for liberal construction; providing that plan is not a substitute for Social Security; providing for and setting membership standards; setting forth required contributions from members and employers; creating fund and providing for investments; providing for transfer from Public Employees Retirement System; setting time limits; setting forth notice requirements; providing for the commencement of benefits, federal law maximum benefit limitations, minimum required distributions, and direct rollovers; providing for retirement credited through member's use of accrued annual or sick leave; providing for retirement benefits; setting forth annuity options; providing for refunds in certain circumstances; providing for deferred retirement; providing for forfeitures of benefits; providing awards and benefits for duty-related disability and for other causes; requiring physical examinations; establishing criteria for termination of disability; providing for prior disability; providing awards and benefits to surviving spouse and additional death benefits and scholarships for dependent children; providing for burial benefit; prohibiting double death benefits; establishing exemption from taxation, garnishment, and other process; authorizing certain deductions; establishing the effect of qualified domestic relation orders; prohibiting fraud; establishing criminal penalties; requiring repayment in certain circumstances; providing for treatment of prior military service; establishing effective date of the system; providing voluntary employer participation; establishing starting date for benefits; limiting county liability; and providing for no forfeiture of benefits if system terminates.

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

By Senator Romano:

Senate Bill 22—A Bill to amend and reenact §33-3-33 of the Code of West Virginia, 1931, as amended, relating to surcharge on fire and casualty insurance policies for purpose of funding volunteer fire departments; providing that surcharge be increased

to one percent beginning January 1, 2021; and deleting obsolete language.

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

By Senator Tarr:

Senate Bill 23—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-27, relating to requiring county boards of education to establish programs for random drug testing for illegal drugs of student drivers in grades 9-12 in public schools and student athletes in grades 7-12; and requiring referral to Child Protective Services and notice to parents when results are positive.

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

By Senator Tarr:

Senate Bill 24—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-15C-1, §62-15C-2, §62-15C-3, §62-15C-4, and §62-15C-5, all relating to limiting the liability of employers in cases where convictions for certain crimes are expunged; requiring a database record showing offenses were expunged; requiring courts to cross-reference database for expungements; providing that an employer is not liable to furnish health insurance or health care costs to persons whose records are expunged for drug addiction related offenses or drug addiction related diseases; and providing exceptions.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 25—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-4-703a, relating to requiring minors in possession of marijuana, and their parents or legal guardians, to attend classes

teaching the dangers of marijuana; fees charged; and procedure for failure to attend.

Referred to the Committee on the Judiciary.

By Senator Romano:

Senate Bill 26—A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to the penalty for possession of marijuana carries a fine of no more than \$1,000 without confinement.

Referred to the Committee on the Judiciary.

By Senator Romano:

Senate Bill 27—A Bill to amend and reenact §3-2-6 of the Code of West Virginia, 1931, as amended, relating to allowing voters who register in person at the office of the county clerk to register and vote during early in-person voting.

Referred to the Committee on the Judiciary.

By Senators Trump and Rucker:

Senate Bill 28—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25d, relating to education; creating the Tim Tebow Act; permitting students instructed at home, by a private tutor or enrolled in a private, parochial, or church school or a school operated by a religious order, who do not attend a school that is a member of the West Virginia Secondary School Activities Commission to participate in extracurricular activities that are under the authority of the commission at a school that is a member of the commission; providing requirements, standards, and insurance coverage; and providing that accommodating schools may not be impeded from competing against other schools.

Referred to the Committee on Education.

By Senator Trump:

Senate Bill 29—A Bill to amend and reenact §29-21-2 of the Code of West Virginia, 1931, as amended, relating to authorizing

the payment of fees and reimbursement of expenses of attorneys who participate on court teams or advisory bodies of specialty courts established by the Supreme Court of Appeals.

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

By Senator Trump:

Senate Bill 30—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-1-1c; to amend and reenact §24-1-2 of said code; and to amend and reenact §24-2-1 of said code, all relating to permitting third-party ownership of all renewable and alternative energy generating facilities; making legislative findings; defining terms; and creating exceptions.

Referred to the Committee on Economic Development; and then to the Committee on Government Organization.

By Senator Trump:

Senate Bill 31—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-9-105, relating to venue for custodial allocation actions independent of divorce.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 32—A Bill to amend and reenact §11-1C-10 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-1C-10a; to amend and reenact §11-3-24 and §11-3-25 of said code; and to amend and reenact §11-10A-8 of said code, all relating to the valuation of natural resources property; providing an alternate method of appeal of proposed valuation natural resources property for ad valorem property tax purposes; and providing for the confidentiality of annual industry operating expenses survey information used for property tax purposes.

Referred to the Committee on Finance.

By Senator Tarr:

Senate Bill 33—A Bill to repeal §5-3-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5-3A-1, §5-3A-2, §5-3A-3, §5-3A-4, §5-3A-5, and §5-3A-6, all relating to creating the State Settlement and Recovered Funds Accountability Act; providing a short title; setting forth legislative findings; directing that recovered funds and assets be deposited into the State Treasury in the General Revenue Fund of the state, and providing exceptions; directing that certain recovered funds and assets be held in trust to be deposited into a special revenue account in the State Treasury; requiring legislative appropriation of those funds and assets; creating two special revenue funds in the State Treasury, known as the Consumer Protection Recovery Fund and the Consumer Protection Restitution Fund; requiring annual transfer of moneys exceeding \$7 million in the Consumer Protection Recovery Fund to the General Revenue Fund; providing for disbursement of funds from the Consumer Protection Recovery Fund; requiring transfer of funds from the Consumer Protection Restitution Fund into the Consumer Protection Recovery Fund; authorizing the deposit and expenditure of attorneys' fees, expenses, and costs awarded to the Attorney General from the fund; prohibiting agreements to settlement or agreement terms that are contrary to the provisions of law; requiring annual reporting by the Attorney General as to the receipts and expenditures of the funds and the disposition of causes; and repealing provisions requiring the Attorney General to deposit all fees received for representing the state into the General Revenue Fund.

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

By Senator Tarr:

Senate Bill 34—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to the creation of an exemption to the State Sales and Use Tax for the rental of

equipment among corporations with a minimum of 50 percent common ownership.

Referred to the Committee on Finance.

By Senator Tarr:

Senate Bill 35—A Bill to amend and reenact §9-8-4 of the Code of West Virginia, 1931, as amended, relating to requiring paternity be established prior to the award of public benefits; requiring DNA test be conducted to establish paternity and referral for criminal prosecution if paternity is inappropriately denied and support is not timely paid; providing that state benefits paid on behalf of the child will be reduced from any state benefits paid to nonsupport-paying parent; and providing that nonsupporting parent is required to reimburse the state for any assistance paid to support the child.

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

By Senator Tarr:

Senate Bill 36—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Secondary School Activities Commission; requiring the Legislative Auditor to conduct a performance audit of the commission; authorizing the inspection of records and examination of personnel; permitting subsequent performance audits be conducted at reasonable and prudent intervals; and removing redundant language.

Referred to the Committee on Education.

By Senator Tarr:

Senate Bill 37—A Bill to amend and reenact §6B-2-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting registered lobbyists from holding any appointed position in the state legislative, executive, or judicial branches of government for at least five years; and providing time frame to calculate exclusion.

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

By Senator Stollings:

Senate Bill 38—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §23-4D-1, §23-4D-2, §23-4D-3, §23-4D-4, §23-4D-5, and §23-4D-6, all relating to creating the West Virginia Black Lung Program; granting entitlement for pain and suffering for occupational pneumoconiosis; providing that 10 years' exposure as a miner is a conclusive presumption of entitlement to pain and suffering benefits; calculation of benefits; tax credit for benefits; imposing additional severance tax and tax on generation of electricity by solar and wind devices; creating the State Black Lung Fund; requiring the Governor and Legislature to cooperate with other states to attempt to recoup the federal excise tax on coal; and proposing rules by the Insurance Commissioner and Tax Commissioner.

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

By Senator Stollings:

Senate Bill 39—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-8b; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3kk; to amend said code by adding thereto a new section, designated §33-24-7x; to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating to prohibiting insurance coverage from requiring prior authorization for physician prescribed tests to stage cancer.

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

By Senator Stollings:

Senate Bill 40—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§33-15-4x, relating to accident and sickness insurance and preexisting condition coverage.

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

By Senator Stollings:

Senate Bill 41—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 Senator Woelfel:

Senate Bill 42—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-22, relating to foreclosure actions involving abandoned properties; authorizing a municipality to commence a proceeding in a court of competent jurisdiction in the county in which the property is located to compel a foreclosure; defining a “vacant and abandoned residential property”; designating the Zombie Property Remediation Act of 2021; and requiring conveyance of the deed following foreclosure.

Referred to the Committee on Economic Development.

By Senator Hamilton:

Senate Bill 43—A Bill to amend and reenact §5-11-9 of the Code of West Virginia, 1931, as amended, relating to the Pay Transparency Act of 2021; making it unlawful for an employer to require, as a condition of employment, that an employee refrain from disclosing information about his or her wages, benefits, or

other compensation, or sharing information about another employee's wages, benefits, or other compensation; and making it unlawful for an employer to prohibit employees from disclosing information about their wages, benefits, or other compensation, or sharing information about another employee's wages, benefits, or other compensation.

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

By Senator Hamilton:

Senate Bill 44—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-1F-1, §21-1F-2, §21-1F-3, §21-1F-4, §21-1F-5, §21-1F-6, §21-1F-7, and §21-1F-8, all relating to saving West Virginia call center jobs remaining in this state; providing for a short title; providing for definitions; providing for creation of a list of call centers that move overseas; providing for ineligibility for state grants or guaranteed loans; providing for in-state procurement; providing for state benefits to workers; providing for an effective date; and providing for severability.

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

By Senator Hamilton:

Senate Bill 45—A Bill to amend and reenact §15-2-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-4 of said code, all relating to required equipment for State Police and Natural Resources police officers; and providing for specific vests for more thorough protection of the State Police and Natural Resources police officers.

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

By Senator Hamilton:

Senate Bill 46—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-10-5a, relating to requiring one-year residency within the district

or county prior to appointment to fill a vacancy to a seat in the Legislature.

Referred to the Committee on the Judiciary.

By Senator Hamilton:

Senate Bill 47—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-11, relating to creating the New Worker Relocation Incentive Program; providing an incentive for workers to move to West Virginia; establishing conditions for the incentive; defining terms; and requiring rulemaking.

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

By Senator Hamilton:

Senate Bill 48—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-1F-1, §21-1F-2, §21-1F-3, §21-1F-4, and §21-1F-5, all relating to prohibiting the employment of unauthorized employees in the construction industry; requiring employers to verify eligibility for employment with the federal government; providing for duties of the Attorney General; and establishing penalties.

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

By Senator Hamilton:

Senate Bill 49—A Bill to amend and reenact §3-8-2b of the Code of West Virginia, 1931, as amended, relating to requiring a political action committee to disclose the names and addresses of its contributors to the Secretary of State.

Referred to the Committee on the Judiciary.

By Senator Hamilton:

Senate Bill 50—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-22-803, relating to adoption records; authorizing adult

adoptees access to certain records, including adoption records and medical history; requiring birth parents to provide certain health information; allowing birth parents to designate a contact preference and allowing them to provide certain information; allowing birth parents to request name redaction; providing for a name redacting process; directing the Department of Health and Human Resources to administer records, require additional information, and charge a reasonable fee; providing a procedure for the collection and dissemination of information; providing for the tracking of information and reporting to the Legislative Oversight Commission on Health and Human Resources Accountability; and authorizing the Department of Health and Human Resources to promulgate legislative rules.

Referred to the Committee on Health and Human Resources.

By Senator Sypolt:

Senate Bill 51—A Bill to amend and reenact §19-37-2 of the Code of West Virginia, 1931, as amended, relating to adding pasteurized milk and other dairy foods produced or processed in West Virginia to the list of items required to be purchased by all state-funded institutions, such as schools, colleges, correctional facilities, governmental agencies, and state parks.

Referred to the Committee on Government Organization.

By Senator Sypolt:

Senate Bill 52—A Bill to amend and reenact §49-4-112 of the Code of West Virginia, 1931, as amended, relating to the payment of attorney fees in subsidized adoptions or guardianships directly to the attorney.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 53—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §41-3-12, relating to providing that any next of kin who is

criminally responsible for the death of a relative may not be involved in the decedent's burial arrangements.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 54—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 driver's 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.

By Senator Sypolt:

Senate Bill 55—A Bill to amend and reenact §7-11B-14 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-12-5 of said code, all relating to allowing municipalities to contract, without bidding, projects up to \$50,000 in total; increasing the monetary threshold from \$25,000 to \$50,000; and correcting improper citations.

Referred to the Committee on Government Organization.

By Senator Sypolt:

Senate Bill 56—A Bill to amend and reenact §18A-5-2 of the Code of West Virginia, 1931, as amended, relating to eliminating the requirement that schools be closed on election days.

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

By Senator Sypolt:

Senate Bill 57—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-27-313, relating to staying civil actions resulting from

domestic violence for 60 days from the date of entry of a final domestic violence protective order.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 58—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-38-1, §19-38-2, §19-38-3, §19-38-4, §19-38-5, §19-38-6, §19-38-7, and §19-38-8, all relating to agriculture; creating the West Virginia Farm Fresh Dairy Act; exempting certain sales from licensure and certification; providing definitions; providing conforming amendments; and providing for an effective date.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Health and Human Resources.

By Senator Sypolt:

Senate Bill 59—A Bill to amend and reenact §17C-4-7 of the Code of West Virginia, 1931, as amended, relating to motor vehicle crash reports; requiring law-enforcement officers to submit reports of crashes to the owners and/or drivers of the vehicles involved in the crash in the same manner that law-enforcement officers are required to submit reports of crashes to the Division of Highways; and requiring the investigating law-enforcement officer, within 24 hours of a motor vehicle crash, to share the owner/operator and insurance information for all the involved parties with all the other involved parties and/or their insurance agents.

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

By Senator Sypolt:

Senate Bill 60—A Bill to amend and reenact §5-10-22l of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-7A-26w of said code, all relating to increasing the monthly retirement annuity by \$2 for certain retirants with 20 or more years of credited service.

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

By Senator Sypolt:

Senate Bill 61—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 Senator Sypolt:

Senate Bill 62—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 Senator Sypolt:

Senate Bill 63—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-5A-1, relating to creating the Taxation With Representation Act, whereby nonresidents of a municipality who work in that municipality and who pay user fees pursuant to a municipal ordinance may vote in municipal elections.

Referred to the Committee on Finance.

By Senator Sypolt:

Senate Bill 64—A Bill to amend and reenact §17C-15-44 of the Code of West Virginia, 1931, as amended, relating to allowing out-of-state residents to ride a motorcycle without a helmet if they are allowed to do so in their state of residence.

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

By Senator Sypolt:

Senate Bill 65—A Bill to amend and reenact §48-27-207 of the Code of West Virginia, 1931, as amended, relating to requiring a licensed program for victims of domestic violence to provide specific services to aid victims of domestic violence and their children; and requiring that the Family Protection Services Board propose rules to implement program.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 66—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-2D-1, §20-2D-2, and §20-2D-3, all relating to creating a Voluntary WVU Rifle Team Check-off Program on the cost of hunting and fishing licenses; creating a special fund for this purpose; and providing how funds are to be used.

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

By Senator Sypolt:

Senate Bill 67—A Bill to amend and reenact §16-4C-5 of the Code of West Virginia, 1931, as amended, relating to the authority of the Emergency Medical Services Advisory Council in reviewing rules proposed by the Commissioner of the Bureau for Public Health under the Emergency Medical Services Act.

Referred to the Committee on Health and Human Resources.

By Senator Takubo:

Senate Bill 68—A Bill to amend and reenact §11-17-3 and §11-17-4b of the Code of West Virginia, 1931, as amended, all relating to excise tax on tobacco products; increasing excise tax levied and imposed on sale of cigarettes; and increasing excise tax levied and imposed on sale of e-cigarette liquid.

Referred to the Committee on Finance.

By Senator Rucker:

Senate Bill 69—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing a special license plate to support adoption; and establishing fees.

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

By Senator Rucker:

Senate Bill 70—A Bill to amend and reenact §3-1-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-2-2 of said code, all relating to residency requirements for people entitled to vote and people eligible to register to vote; requiring that a person be a legal resident of the state, county, or municipality in which he or she offers to vote; requiring that a person be a legal resident of the state or county in which he or she applies to register to vote; and defining the term “legal resident”.

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 71—A Bill to amend and reenact §17C-5A-3 of the Code of West Virginia, 1931, as amended, relating to the addition of grievance and appellate procedures and judicial review for individuals participating in, or who have participated in, the Division of Motor Vehicles’ Safety and Treatment Program; and authorizing the Commissioner of the Division of Motor Vehicles to promulgate a rule to add such procedures and judicial review for participants of the Safety and Treatment Program.

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

By Senator Rucker:

Senate Bill 72—A Bill to amend and reenact §11A-3-2 of the Code of West Virginia, 1931, as amended, relating to requiring the sheriff to send notices to the owners of record and to each resident

or occupant of real property prior to selling the property for which property taxes have not been paid.

Referred to the Committee on Government Organization.

By Senators Rucker and Trump:

Senate Bill 73—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-20-1, §16-20-2, §16-20-3, and §16-20-4, all relating to prohibiting discrimination based on an individual's mental or physical disability in access to organ transplantation; and providing enforcement mechanisms.

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

By Senator Rucker:

Senate Bill 74—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, §16-2Q-2, §16-2Q-3, §16-2Q-4, §16-2Q-5, §16-2Q-6, §16-2Q-7, §16-2Q-8, §16-2Q-9, §16-2Q-10, §16-2Q-11, and §16-2Q-12, all relating to the Human Life Non-Discrimination Act; providing for a short title; providing for legislative findings and purpose; providing for definitions; providing for criteria under which an abortion may not be performed; providing for certain exceptions under which an abortion may be performed with the prohibited circumstances; providing for forms the Commissioner of the Bureau for Public Health must create; providing for 15 days for a physician to file a report with the Commissioner of the Bureau for Public Health; providing the required content of the forms the physician must file; providing for 30 days from the effective date for the Commissioner of the Bureau for Public Health to create the forms necessary for physicians to file reports; providing for privacy of the maternal patient by redacting name or other identifying information on the required reporting forms to the commissioner; providing for criminal penalties against physicians; providing for a ban on criminal penalties extending to the maternal patient; providing for professional sanctions against physicians; providing

for civil penalties against physicians; providing for the Attorney General to file legal action to enforce this article; providing for the West Virginia Board of Medicine to file legal action on own enforcement of provisions of this article; providing for construction; providing for severability; providing for a right of intervention by action of the Legislature for a member to intervene in any legal action where the constitutionality of this article is challenged; and providing for an effective date.

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

By Senator Rucker:

Senate Bill 75—A Bill to amend and reenact §33-6B-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-17A-6 of said code, all relating to prohibiting insurance companies from using credit ratings when establishing home and automobile insurance premiums.

Referred to the Committee on Banking and Insurance.

By Senator Rucker:

Senate Bill 76—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §56-4-72, relating to providing compensation to victims of abusive lawsuits; and providing that a party in a civil action is entitled to recover attorneys' fees and costs after a court dismisses a claim as lacking any basis in law or fact.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 77—A Bill to amend and reenact §17C-15-44 of the Code of West Virginia, 1931, as amended, relating to permitting persons who are 21 years of age or older to operate or be a passenger on a motorcycle without a helmet if they have held a license valid for the operation of a motorcycle for a minimum of two years; and making a technical correction.

Referred to the Committee on Transportation and Infrastructure.

By Senator Trump:

Senate Bill 78—A Bill to amend and reenact §48-8-105 of the Code of West Virginia, 1931, as amended, relating to correcting erroneous cross-references within this section regarding factors considered in awarding spousal support and separate maintenance.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 79—A Bill to amend and reenact §48-9-403 of the Code of West Virginia, 1931, as amended, all relating to providing a fair mechanism for the adjudication of requests for relocation of a parent with a child.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 80—A Bill to repeal §44-1-28 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §44-1A-1, §44-1A-2, §44-1A-3, §44-1A-4, §44-1A-5, and §44-1A-6, all relating to allowing the administration of small estates containing under \$50,000 in personal property and under \$100,000 in real property by affidavit and without appointment of a personal representative; providing a mechanism for administration of a small estate upon affidavit and without appointment; detailing methods for payment or delivery of small assets to authorized successors; discharging and releasing payors; detailing treatment of real estate in a small estate; providing for the applicability of this article in relation to other sections of the West Virginia Code; providing an effective date; and allowing payment or delivery of small assets of a decedent to an authorized successor.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 81—A Bill to amend and reenact §44D-1-105 of the Code of West Virginia, 1931, as amended; to amend and

reenact §44D-8A-809 of said code; and to amend and reenact §44D-10-1008 of said code, all relating to correcting certain cross-references in the West Virginia Uniform Trust Code to be consistent with other language concerning the standards governing trust directors and directed trustees.

Referred to the Committee on the Judiciary.

By Senator Takubo:

Senate Bill 82—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-2-10, relating to permitting allopathic and osteopathic physicians to be exempt from specified traffic laws in emergency situations when responding to an emergency call; providing that physicians must still exercise due care for safety; and providing for rulemaking.

Referred to the Committee on Transportation and Infrastructure.

By Senator Takubo:

Senate Bill 83—A Bill to amend and reenact §33-51-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §33-51A-1, §33-51A-2, §33-51A-3, §33-51A-4, and §33-51A-5, all relating to the regulation of pharmacy services administrative organizations.

Referred to the Committee on Health and Human Resources.

By Senator Plymale:

Senate Bill 84—A Bill to amend and reenact §5-16-5 of the Code of West Virginia, 1931, as amended, relating to the allocation of premiums for employers and employees in the Public Employees Insurance Agency.

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

By Senator Maynard:

Senate Bill 85—A Bill to amend and reenact §5A-10-3 of the Code of West Virginia, 1931, as amended; and to amend and

reenact §5A-11-3 of said code, all relating to requiring the Public Land Corporation and the Real Estate Division to jointly review all vacated publicly owned property to determine a proper reuse of those properties, determine the appraised value of those properties, or to provide assistance with the listing of those properties for sale or lease.

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

By Senator Maynard:

Senate Bill 86—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2K-1, §5B-2K-2, and §5B-2K-3, all relating to creating the Office of Outdoor Recreation; requiring the Secretary of the Department of Commerce to appoint an administrator of the office; establishing the office's purposes and responsibilities; permitting the appointment of staff; requiring the administrator to appoint an advisory board; and establishing the responsibilities of the advisory board.

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

By Senator Maynard:

Senate Bill 87—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, §16-2Q-2, §16-2Q-3, §16-2Q-4, §16-2Q-5, §16-2Q-6, §16-2Q-7, and §16-2Q-8, all relating to enacting the West Virginia Human Life Protection Act; making abortion and attempted abortion felony offenses except in cases where abortion is necessary in order to prevent a serious health risk to the unborn child's mother; providing that a woman who receives an abortion will not be held criminally culpable or civilly liable for receiving the abortion; making legislative findings; and defining terms.

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

By Senator Maynard:

Senate Bill 88—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 Roberts and Rucker:

Senate Bill 89—A Bill to amend and reenact §49-2-113 of the Code of West Virginia, 1931, as amended, relating to exempting from licensure requirements certain education programs operated by private schools with accredited preschool classes and certain recognition by Department of Education.

Referred to the Committee on Education.

By Senator Rucker:

Senate Bill 90—A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-9A-10a; and to amend said code by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, and §18-31-9, all relating to the Education Savings Account Act; creating compulsory school attendance exemption for education savings account (ESA) students; requiring the Department of Education to annually make a projection of the amount required to fund ESAs and make a request for an appropriation in that amount; requiring the Legislature to appropriate the amount requested; requiring the Department of Education to pay to the West Virginia State Treasurer's Office the amount appropriated; requiring the total amount of funds annually deposited in an ESA to be 90 percent of the prior year's statewide average net state aid allotted per pupil based on net enrollment adjusted for state aid purposes; providing authority for the state board of education to promulgate emergency rules and propose rules for legislative approval; limiting use of ESA funds to certain qualifying expenses; allowing a parent to apply to the Treasurer to establish an ESA for an eligible student; establishing household

income limit as a condition of qualifying for the ESA program; setting forth conditions under which the Treasurer is required to approve applications; requiring the Treasurer to annually renew a student's ESA after making certain verifications; setting forth certain duties, obligations, and authority of the Treasurer; providing authority for the Treasurer to promulgate emergency rules and propose rules for legislative approval; creating a Parent Review Committee to assist the Treasurer in determining whether questionable expenditures meet the requirements to be considered qualifying expenses, to provide recommendations to the Treasurer about how to implement, administer, and improve the ESA program, and for other purposes; setting forth eligibility requirements for service providers; requiring provision to an education service provider that has enrolled an ESA student with a complete copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974; and addressing legal proceedings.

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

By Senator Lindsay:

Senate Bill 91—A Bill to amend and reenact §24-6-12 of the Code of West Virginia, 1931, as amended, relating to requiring members of the State Police to follow the towing services policy of the county in which the member is located.

Referred to the Committee on Transportation and Infrastructure.

By Senator Romano:

Senate Bill 92—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5D-6, relating to establishing the Summer Feeding for All Program; providing findings; directing a county-by-county assessment of nonschool day student initiative; providing for food insecurities; empowering county school boards to develop initiatives and programs for feeding students in need during summer and other nonschool time periods; providing county board

reporting requirements to the Office of Child Nutrition; and directing the Office of Child Nutrition to collect and distribute information regarding available food resources.

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

By Senator Romano:

Senate Bill 93—A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to providing pay raises to public school teachers.

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

By Senator Romano:

Senate Bill 94—A Bill to repeal §17A-10-3c of the Code of West Virginia, 1931, as amended, relating to additional registration fees for alternative fuel vehicles.

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

By Senator Romano:

Senate Bill 95—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-9-1, §12-9-2, and §12-9-3, all relating to creating the Corporate Anti-Subsidy Act; permitting West Virginia to enter into the Interstate Compact Agreement Prohibiting Company-Specific Subsidies; and setting a level playing field that would abolish the nationwide practice of company-specific subsidies that currently pits states against one another.

Referred to the Committee on Interstate Cooperation; and then to the Committee on the Judiciary.

By Senator Romano:

Senate Bill 96—A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to creating an online voters' guide; requiring all information in the certificate of

announcement; permitting candidates running for statewide office to submit a personal statement; directing the State Election Committee to create the guide; and requiring the Secretary of State post the voters' guide on its website.

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

By Senator Romano:

Senate Bill 97—A Bill to amend and reenact §5G-1-3 of the Code of West Virginia, 1931, as amended, relating to modifying the procedure certain public agencies must take in order to contract for certain architectural and engineering services; requiring joint discussions with prospective architectural or engineering firms in certain situations; permitting contract proposals with a fee for service from the firms; replacing the single entity negotiations with a competitive low-bid process; and allowing for the public agency to reject all proposed contracts and seek proposals from additional firms.

Referred to the Committee on Government Organization.

By Senator Romano:

Senate Bill 98—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22m; and to amend said code by adding thereto a new section, designated §18-7A-26x, all relating to a \$1,000 cost-of-living adjustment to certain retirees of the Public Employees Retirement System and the State Teachers Retirement System by June 30, 2022; and providing for the pro rata distribution of the cost-of-living adjustment to certain beneficiaries.

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

By Senator Romano:

Senate Bill 99—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-3-33c, relating to creating a surcharge on fire and casualty

insurance policies in order to relieve the burden from municipalities and counties of certain fire-related cleanup and demolition; requiring the assessment of a surcharge on certain policies; creating exceptions; setting forth collection and remittance requirements; authorizing penalties; creating the Political Subdivisions Fire Cleanup Relief Fund; permitting municipalities and counties to apply to the Treasurer for a disbursement from the fund; authorizing the Treasurer to disburse funds; and granting rule-making authority.

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

By Senator Takubo:

Senate Bill 100—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13KK-1, §11-13KK-2, §11-13KK-3, §11-13KK-4, §11-13KK-5, §11-13KK-6, §11-13KK-7, §11-13KK-8, and §11-13KK-9, all relating to establishing a tax credit for certain physicians who locate in this state to practice; providing for criteria for the tax credit; establishing education requirements; setting forth a time limit to claim the tax credit; setting forth length of residency requirements; setting forth findings; defining terms; authorizing the credit; specifying the amount of the tax credit; providing how the credit may be asserted; specifying no tax credit carryover; allowing forms and schedules to be established by the Tax Commissioner in rule; setting maximum amount per taxpayer per year; authorizing the Tax Commissioner to promulgate rules; and setting effective date.

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

By Senator Stollings:

Senate Bill 101—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13Q-10b, relating to authorizing a tax credit for business entities that invest in certain fresh food retailers located in underserved communities and similar areas.

Referred to the Committee on Finance.

By Senator Stollings:

Senate Bill 102—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-15a, relating to disabled veterans and veterans who received the Purple Heart may park free at metered parking spaces at any municipality in the state.

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

By Senator Stollings:

Senate Bill 103—A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9A-8 of said code, all relating to requirements for employment of nurses in public schools; changing student to school nurse staffing ratios; expanding coverage to all grades; and eliminating the county's ability to obtain contract services for nursing and mandate that every school must have at least one nurse.

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

By Senator Lindsay:

Senate Bill 104—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-20, relating to creating the Patient Safety and Transparency Act.

Referred to the Committee on Health and Human Resources.

By Senator Lindsay:

Senate Bill 105—A Bill to amend and reenact §18A-4-15 of the Code of West Virginia, 1931, as amended, relating to the employment of retirees as substitute bus operators.

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

By Senator Lindsay:

Senate Bill 106—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13KK-1, §11-13KK-2, §11-13KK-3, §11-13KK-4, §11-13KK-5, §11-13KK-6, and §11-13KK-7, all relating generally to creating a personal income tax credit for volunteer firefighters in West Virginia; providing for definitions; providing for a tax credit for a volunteer firefighter for personal income tax in a taxable year; providing for a tax credit limitation of \$5,000 for a single person; providing for a tax credit limitation of \$10,000 for persons filing tax returns jointly under certain conditions; providing that tax credit for volunteer firefighters must be used in the taxable year and cannot be carried forward; providing for documentation of eligibility for the tax credit; providing for required contents of the documentation evidencing eligibility for the tax credit; providing that form must be sent to the Tax Commissioner to receive the tax credit; providing for rule-making authority; providing for reporting at certain time; and providing for an effective date.

Referred to the Committee on Finance.

By Senator Weld:

Senate Bill 107—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to compensable diseases of certain firefighters covered by workers' compensation; establishing rebuttable presumption of injury arising out of and in the course of employment for certain covered firefighters that develop bladder cancer, mesothelioma, and testicular cancer; and providing that the rebuttable presumption expires on July 1, 2025, unless extended by the Legislature.

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

By Senator Baldwin:

Senate Bill 108—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-21, relating to prohibiting racial discrimination based on certain hair textures and hairstyles.

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

By Senator Baldwin:

Senate Bill 109—A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating to prohibiting civil rights violations based on gender identity or sexual orientation; criminal penalties; when evidence of constitutionally protected speech or associations is not admissible in criminal prosecutions; exceptions; and providing for sentencing alternatives for persons convicted of violations.

Referred to the Committee on the Judiciary.

By Senator Baldwin:

Senate Bill 110—A Bill to amend and reenact §3-1-37 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-9-6 and §3-9-9 of said code, all relating to adjusting the distance from a polling place that certain electioneering and election-related activity is prohibited; making legislative findings and justifications for the changes; and ensuring consistency in the law with respect to application of the distances within which certain conduct is prohibited at polling places.

Referred to the Committee on the Judiciary.

By Senator Baldwin:

Senate Bill 111—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to exempting firearm safe storage products from the consumers sales tax.

Referred to the Committee on Finance.

By Senator Baldwin:

Senate Bill 112—A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to mobility impairment identifying documents.

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

By Senator Baldwin:

Senate Bill 113—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5DD-1, §16-5DD-2, §16-5DD-3, §16-5DD-4, §16-5DD-5, and §16-5DD-6, all relating to creating the Wholesale Prescription Drug Importation Program; setting requirements for the design of the program; setting certain deadlines for the implementation of the program; requiring monitoring for anticompetitive behavior; ensuring compliance with federal law; requiring a plan for program financing to be provided to the Joint Committee on Government and Finance; authorizing emergency rule-making authority; providing for certain implementation requirements; and requiring annual reporting to the Legislature.

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

By Senator Baldwin:

Senate Bill 114—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 Senator Baldwin:

Senate Bill 115—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-16A-31, relating to exempting emergency vehicles and private ambulances from paying tolls or other charges.

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

By Senator Baldwin:

Senate Bill 116—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-2A-5a, relating to drug testing of legislators.

Referred to the Committee on the Judiciary.

By Senator Baldwin:

Senate Bill 117—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25; to amend said code by adding thereto a new section, designated §18-2-44; and to amend said code by adding thereto a new section, designated §18B-2A-9, all relating to establishing the Stay in State tax credit against personal income for higher education tuition of certain state residents; creating credit for student loan payments of all in-state community college, college, or university undergraduates and their in-state employers against personal income tax; establishing conditions and qualifications for the tax credit; providing methodology for calculating credit; providing for graduate and employer eligibility of payments against student loans for employees; defining terms; and providing for the board of education, State Board of Education, and governing boards of colleges' promotion of the program.

Referred to the Committee on Finance.

By Senator Maynard:

Senate Bill 118—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2P-1, relating to requiring physicians to notify parents when prescribing contraceptives to minors; and providing definitions.

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

By Senator Baldwin:

Senate Bill 119—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, and §46A-6O-3, all relating to prohibiting certain misleading pharmaceutical advertising practices; providing for certain disclosures and warnings in pharmaceutical advertising for the protection of patients; and imposing criminal penalties.

Referred to the Committee on the Judiciary.

By Senator Baldwin:

Senate Bill 120—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §60A-9A-1, §60A-9A-2, §60A-9A-3, §60A-9A-4, §60A-9A-5, and §60A-9A-6, all relating to requiring wholesale drug distributors to report certain information to the West Virginia Board of Pharmacy.

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

By Senator Baldwin:

Senate Bill 121—A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempting from property tax certain real properties in this state owned by a nonprofit corporation with the purpose of organizing, supporting, and maintaining a contemporary agricultural and industrial fair and exposition.

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

By Senator Maynard:

Senate Bill 122—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3uu, relating to permitting prisoners or persons charged with a crime to be held in the jails of their counties of residence.

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

By Senator Baldwin:

Senate Bill 123—A Bill to amend and reenact §54-2-9 of the Code of West Virginia, 1931, as amended, relating to changing the determination of just compensation to be paid to the landowner when eminent domain is used for a pipeline.

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

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 124—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15C-2, relating to insulin cost management; defining “prescription insulin drug”; providing consumers with an insulin cost cap for a 30-day supply; and providing for rule-making authority.

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

By Senator Tarr:

Senate Joint Resolution 1—Proposing an amendment to the Constitution of the State of West Virginia, amending section 22, article III thereof, relating to the right to keep and bear arms; prohibiting restriction of this amendment by state or local government; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

By Senator Sypolt:

Senate Joint Resolution 2—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

By Senator Sypolt:

Senate Joint Resolution 3—Proposing an amendment to the Constitution of the State of West Virginia, amending section six, article III thereof, relating to protecting the electronic communication and data of citizens from unreasonable searches and seizures; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

By Senator Trump:

Senate Joint Resolution 4—Proposing an amendment to the Constitution of the State of West Virginia, amending section 47, article VI thereof, relating to authorizing the incorporation of religious denominations; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Without objection, the Senate returned to the third order of business.

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

House Concurrent Resolution 3—Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor.

WHEREAS, His Excellency, the Governor, has advised that he will be pleased to address a Joint Assembly of the Senate and House of Delegates at the convenience of the two houses; therefore, be it

Resolved by the Legislature of West Virginia:

That His Excellency, the Governor, be hereby invited to address a Joint Assembly of the Legislature at 7:00 o'clock postmeridian this day; and, be it

Further Resolved, That the President of the Senate and the Speaker of the House of Delegates appoint three members of each of the respective houses of the Legislature as a committee to wait upon His Excellency, the Governor, and escort him into the Hall of the House of Delegates at the time herein appointed for hearing the address.

The message further announced the appointment of the following committee on the part of the House of Delegates:

Delegates Rowan, Phillips, and Lovejoy.

At the request of Senator Takubo, 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 the resolution, the same was put and prevailed.

Whereupon, the President appointed as Senate members of such committee, authorized by the foregoing resolution, the following:

Senators Takubo, Boley, and Baldwin.

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:12 p.m., the Senate recessed until 6:45 p.m. today.

The Senate reconvened at 6:45 p.m.

The hour of 7 p.m. having arrived, that being the time set for the joint assembly to hear the address of His Excellency, the Governor, the Senate recessed until five minutes after adjournment of the joint assembly. Members of the Senate then repaired in a body to the hall of the House of Delegates.

(NOTE: For formal procedure in the joint assembly, see the Journal of the House of Delegates for this day. For the State of the State address of His Excellency, the Governor, the Honorable Jim Justice, as provided electronically by the Governor's office, see the Appendix to the Journal of the Senate, page 3679.)

The joint assembly having been dissolved, at 8:12 p.m., the Senate returned to its chamber and resumed its regular session.

Executive Communications

Senator Blair (Mr. President) presented the following communication from His Excellency, the Governor, submitting the executive budget and annual budget bill, which was received and read by the Clerk:



Jim Justice
Governor of West Virginia

February 10, 2021

EXECUTIVE MESSAGE NO. 1
FIRST REGULAR SESSION

The Honorable Craig Blair
West Virginia Senate
State Capitol
Charleston, WV 25305

Dear President Blair:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning July 1, 2021.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice
Governor

JJ/mh

Subsequently, Senator Blair (Mr. President) laid before the Senate the aforementioned annual budget bill,

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 125—A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution.

Which was read by its title and referred to the Committee on Finance.

On motion of Senator Takubo, at 8:14 p.m., the Senate adjourned until tomorrow, Thursday, February 11, 2021, at 11 a.m.

THURSDAY, FEBRUARY 11, 2021

The Senate met at 11:01 a.m.

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

Prayer was offered by the Honorable Charles S. Trump IV, a senator from the fifteenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Patricia Puertas Rucker, a senator from the sixteenth district.

Pending the reading of the Journal of Wednesday, February 10, 2021,

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

The Clerk presented the following communication from a state agency as required by the provisions of law:

Legislative Rule-Making Review Committee (§29A-3-12)

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:

[CLERK'S NOTE: Senate Bill 126 through Senate Bill 223 are recommended for introduction by the Legislative Rule-Making Review Committee.]

By Senator Sypolt:

Senate Bill 126—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to purchasing.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 127—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Board of Risk and Insurance Management to promulgate a legislative rule relating to mine subsidence insurance.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 128—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Board of Risk and Insurance Management to promulgate a legislative rule relating to public entities insurance program.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 129—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Board of Risk and Insurance Management to promulgate

a legislative rule relating to procedures for providing written notification of claims of potential liability to the state or its employees.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 130—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 131—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 132—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from combustion of solid waste.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 133—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from municipal solid waste landfills.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 134—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to acid rain provisions and permits.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 135—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 136—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of greenhouse gas emissions from existing coal-fired electric utility generating units.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 137—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements governing water quality standards.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 138—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste management system.

Referred to the Committee on the Judiciary.

By Senator Sybolt:

Senate Bill 139—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the voluntary remediation and redevelopment rule.

Referred to the Committee on the Judiciary.

By Senator Sybolt:

Senate Bill 140—A Bill to amend and reenact §64-4-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Rehabilitation Services to promulgate a legislative rule relating to Ron Yost Personal Assistance Services Act Board.

Referred to the Committee on the Judiciary.

By Senator Sybolt:

Senate Bill 141—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to behavioral health centers licensure.

Referred to the Committee on the Judiciary.

By Senator Sybolt:

Senate Bill 142—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to hospital licensure.

Referred to the Committee on the Judiciary.

By Senator Sybolt:

Senate Bill 143—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to nursing home licensure.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 144—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to lead abatement licensing.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 145—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 146—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to client rights at state-operated mental health facilities.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 147—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to delegation of medication administration and health maintenance tasks to approved medication assistive personnel.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 148—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Department of Health and Human Resources to promulgate a legislative rule relating to public health standards for businesses remaining open during the COVID-19 outbreak.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 149—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to diabetes self-management education.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 150—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to West Virginia clearance for access, registry, and employment screening.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 151—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the recovery residence certification and accreditation program.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 152—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child placing agencies licensure.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 153—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults and vulnerable and transitioning youth group homes and programs in West Virginia.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 154—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to procedure to contest the substantiation of child abuse or neglect.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 155—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to exemption from certificate of need.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 156—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to standards for the certification and continuing education of municipal, county, and other public sector building code officials, building code inspectors, and plans examiners.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 157—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Marshal to promulgate a legislative rule relating to standards for the certification and continuing education municipal, county, and other public sector building code officials, building code inspectors, and plans examiners.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 158—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Emergency Response Commission to promulgate a legislative rule relating to emergency planning and community right-to-know.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 159—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Emergency Response Commission to promulgate a legislative rule relating to emergency planning grant program.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 160—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to private club licensing.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 161—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Alcohol Beverage Control Commission to promulgate a

legislative rule relating to distilleries, mini-distilleries, and micro-distilleries.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 162—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Financial Institutions to promulgate a legislative rule relating to the Fintech Regulatory Sandbox Program.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 163—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to fingerprinting requirements for applicants for insurance producer and insurance adjuster license.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 164—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to insurance adjusters.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 165—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to credit for reinsurance.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 166—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to continuing education for individual insurance producers and individual insurance adjusters.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 167—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to mental health parity.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 168—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to health benefit plan network access and adequacy.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 169—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Municipal Pensions Oversight Board to promulgate a legislative rule relating to exempt purchasing.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 170—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 171—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to greyhound racing.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 172—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to advance deposit account wagering.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 173—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia lottery interactive wagering rule.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 174—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to tax credit for providing vehicles to low-income workers.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 175—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to downstream natural gas manufacturing investment tax credit.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 176—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to high-wage growth business tax credit.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 177—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to traffic and safety rules.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 178—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to examination and issuance of driver's license.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 179—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to denial, suspension, revocation, disqualification, restriction, non-renewal, cancellation, administrative appeals, and reinstatement of driving privileges.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 180—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to compulsory motor vehicle liability insurance.

Referred to the Committee on the Judiciary.

By Senator Sybolt:

Senate Bill 181—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to special purpose vehicles.

Referred to the Committee on the Judiciary.

By Senator Sybolt:

Senate Bill 182—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control.

Referred to the Committee on the Judiciary.

By Senator Sybolt:

Senate Bill 183—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia Seed Law.

Referred to the Committee on the Judiciary.

By Senator Sybolt:

Senate Bill 184—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of meat and poultry.

Referred to the Committee on the Judiciary.

By Senator Sybolt:

Senate Bill 185—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 186—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to seed certification program.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 187—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to WV-exempted dairy farms and milk and milk products processing rules.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 188—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Auditor to promulgate a legislative rule relating to standards for requisitions for payment issued by state officers on the Auditor.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 189—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to funeral director, embalmer, apprentice, courtesy card holders and funeral establishment requirements.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 190—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Board of Funeral Service Examiners to promulgate a legislative rule relating to crematory requirements.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 191—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to fee schedule.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 192—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to rule governing the West Virginia Board of Hearing Aid Dealers.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 193—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Landscape Architects to promulgate a legislative rule relating to registration of landscape architects.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 194—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Landscape Architects to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 195—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Livestock Care Standards Board to promulgate a legislative rule relating to livestock care standards.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 196—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to registration to practice during declared state of emergency.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 197—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to telehealth practice; requirements, definitions.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 198—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 199—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to emergency temporary permits to practice during states of emergency or states of preparedness.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 200—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 201—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to Uniform Controlled Substances Act.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 202—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to board of pharmacy rules for continuing education for licensure of pharmacists.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 203—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure of wholesale drug distributors, third party logistics providers, and manufacturers.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 204—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring program.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 205—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy rules for immunizations administered by pharmacists and pharmacy interns.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 206—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for physical therapist and physical therapist assistants.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 207—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for physical therapist and physical therapist assistants.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 208—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for athletic trainers.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 209—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Board of Physical Therapy to promulgate a legislative rule relating to fees for athletic trainers.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 210—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Professional Surveyors to promulgate a legislative rule relating to examination and licensing of professional surveyors in West Virginia.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 211—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers, and salespersons and the conduct of brokerage business.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 212—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Respiratory Care to promulgate a legislative rule relating to criteria for licensure.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 213—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to loan and grant programs under the Help America Vote Act (HAVA) for the purchase of voting equipment, election systems, software, services and upgrades.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 214—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to guidelines and standards for electronic notarization.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 215—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Bureau of Senior Services to promulgate a legislative rule relating to shared table initiative for senior citizens.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 216—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Commerce to promulgate a legislative rule relating to tourism development districts.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 217—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to high pressure steam boiler and forced flow steam generator requirements.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 218—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rule governing the submission and approval of a comprehensive mine safety program for coal mining operations in the State of West Virginia.

Referred to the Committee on the Judiciary.

By Senator Sybolt:

Senate Bill 219—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to Cabwaylingo State Forest trail system two year pilot program permitting ATV's and ORV's.

Referred to the Committee on the Judiciary.

By Senator Sybolt:

Senate Bill 220—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to defining the terms used in all hunting and trapping.

Referred to the Committee on the Judiciary.

By Senator Sybolt:

Senate Bill 221—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to deer hunting rule.

Referred to the Committee on the Judiciary.

By Senator Sybolt:

Senate Bill 222—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special migratory game bird hunting.

Referred to the Committee on the Judiciary.

By Senator Sybolt:

Senate Bill 223—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting.

Referred to the Committee on the Judiciary.

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 224—A Bill to amend and reenact §16-4C-3 and §16-4C-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-4C-25, all relating to creating the Emergency Medical Services Personnel Loan Forgiveness Program; permitting emergency service personnel to have certain portions of their educational loans forgiven; granting the Emergency Medical Services Advisory Council the authority to approve loan forgiveness awards; establishing application criteria; establishing the amounts of awards; establishing requirements for the certification of personnel status; defining terms; and creating a special revenue account known as the Emergency Medical Services Personnel Loan Forgiveness Program Fund.

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

By Senator Baldwin:

Senate Bill 225—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25, relating to creating a tax credit for individuals who successfully complete a firearms safety course.

Referred to the Committee on Finance.

By Senator Baldwin:

Senate Bill 226—A Bill to amend and reenact §29-6-10 of the Code of West Virginia, 1931, as amended, relating to authorizing the transfer of personal leave by a former employee of a county board of education when the employee is subsequently employed by a state agency.

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

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 227—A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-8A-5, all relating to creating a homeless education coordinator in counties designated by the state board as an urban county.

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

By Senator Baldwin:

Senate Bill 228—A Bill making a supplementary appropriation by adding a new item of appropriation from the balance of moneys remaining as an unappropriated balance in the State Fund, State Excess Lottery Revenue Fund, to the Department of Veterans' Assistance—Veterans Home Fund, fiscal year 2021, organization 0618, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Baldwin:

Senate Bill 229—A Bill to amend and reenact §3-1-16 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §3-13-1, §3-13-2, §3-13-3, §3-13-4, and §3-13-5, all relating to implementing a system for ranked choice voting for the election of justices to the West Virginia Supreme Court of Appeals.

Referred to the Committee on the Judiciary.

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 230—A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating to prohibiting civil rights violations based on gender identity or sexual orientation; criminal penalties; when evidence of constitutionally protected speech or associations is not admissible in criminal

prosecutions; exceptions; and providing for sentencing alternatives for persons convicted of violations.

Referred to the Committee on the Judiciary.

By Senator Takubo:

Senate Bill 231—A Bill to repeal §16A-4-2 of the Code of West Virginia, 1931, as amended; to repeal §16A-6-4 of said code; to repeal §16A-13-1 of said code; to amend and reenact §16A-2-1 of said code; to amend and reenact §16A-3-1, §16A-3-2, §16A-3-3, and §16A-3-5 of said code; to amend and reenact §16A-4-3 and §16A-4-5 of said code; to amend and reenact §16A-5-1 of said code; to amend and reenact §16A-6-2, §16A-6-3, §16A-6-6, §16A-6-12, and §16A-6-13 of said code; to amend said code by adding thereto a new section, designated §16A-6-14; to amend and reenact §16A-7-5 of said code; to amend and reenact §16A-8-2 of said code; to amend and reenact §16A-12-2, §16A-12-7, and §16A-12-8 of said code; to amend and reenact §16A-13-2, §16A-13-3, §16A-13-4, §16A-13-5, §16A-13-6, and §16A-13-8 of said code; to amend and reenact §16A-14-1, §16A-14-2, and §16A-14-3 of said code; and to amend and reenact §16A-15-2 and §16A-15-4 of said code, all relating to medical cannabis generally; defining terms; authorizing the Commissioner of the Bureau for Public Health to approve additions to the forms of lawful medical cannabis which may be used and the conditions for which medical cannabis use is authorized pursuant to recommendations of the Medical Cannabis Advisory Board; requiring employees of medical cannabis organizations and establishing a registration fee; authorizing the commissioner to enter into reciprocity agreements with other jurisdictions for terminally ill cancer patients; authorizing the commissioner to promulgate rules relating to 30-day supplies of medical cannabis; removing the residency requirement for medical cannabis organization owners, operators, shareholders, partners, and members; adding certain convictions which preclude participation as or in a medical cannabis organization; clarifying that the Tax Division of the Department of Revenue is charged with monitoring medical cannabis pricing; modifying and clarifying the distance a medical cannabis dispensary must be from certain educational facilities; modifying

and clarifying entities engaged in medical cannabis research subject to nondisclosure provisions; removing requirement that certain federal agencies must preapprove medical cannabis research projects; authorizing accredited colleges and medical schools to be eligible to engage in approved medical cannabis research; increasing the number of clinical registrants; clarifying that the governing body of an academic clinical research center must approve the institution's participation in a medical cannabis research project; clarifying that only those public officials directly involved in the administrations of the medical cannabis program are prohibited from having a monetary interest in a medical cannabis organization; and adding accredited educational institutions engaged in research to the list of persons, entities, and organizations exempt from licensure, discipline for lawful use, possession, or manufacture of medical cannabis.

Referred to the Committee on the Judiciary.

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 232—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25; to amend said code by adding thereto a new section, designated §18-2-44; and to amend said code by adding thereto a new section, designated §18B-2A-9, all relating to establishing the Stay in State tax credit against personal income for higher education tuition of certain state residents; creating credit for student loan payments of all in-state community college, college, or university undergraduates and their in-state employers against personal income tax; establishing conditions and qualifications for the tax credit; providing methodology for calculating credit; providing for graduate and employer eligibility of payments against student loans for employees; defining terms; and providing for the board of education, State Board of Education, and governing boards of colleges' promotion of the program.

Referred to the Committee on Finance.

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 233—A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §33-16-3ff; and to amend said code by adding thereto a new section, designated §33-24-7x, all relating to insurance coverage for insulin.

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

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 234—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4x, relating to ensuring coverage for residents with preexisting conditions.

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

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 235—A Bill to amend and reenact §18-2-42 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2B-9; to amend said code by adding thereto a new article, designated §18-21A-1, §18-21A-2, §18-21A-3, §18-21A-4, §18-21A-5, §18-21A-6, and §18-21A-7; and to amend said code by adding thereto a new article, designated §18-34-1, §18-34-2, §18-34-3, and §18-34-4, all relating to vocational and technical education programs; requiring State Board and Commerce Department to create lists of apprenticeships, certifications, and credentials to provide to students; providing for Governor's Workforce Credential initiative; creating a career and technical education pilot program to introduce middle school students to career and technical education opportunities in the state; requiring county school districts to provide certain information to students; establishing the Governor's Workforce Credential; establishing requirements for

the Governor's Workforce Credential; mandating graduation recognition for recipients of credential; and creating monetary incentive for schools who graduate credentialed students.

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

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 236—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to whom Workers' Compensation Fund is disbursed; including rebuttable presumptions for certain injuries and diseases for professional firefighters; setting eligibility criteria for rebuttable presumptions; setting expiration of rebuttable presumption regarding skin, lung, esophageal, colon, testicular, prostate, brain, breast, and cervical cancers, mesothelioma, non-Hodgkin's lymphoma, leukemia, lymphoma, and multiple myeloma, arising out of and in the course of employment as a firefighter on July 1, 2025, absent legislative action to the contrary; allowing coverage to employees for occupational pneumoconiosis or other occupational disease for work performed out of state under certain conditions; and eliminating outdated and obsolete language.

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

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 237—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to implementation of trauma-informed practices in schools; providing for an effective date; providing for training; providing definition of "trauma-informed practices"; providing for disciplinary considerations in light of trauma-informed practices; providing for a culture of acceptance among educational professionals relating to trauma-informed practices within the school; and providing for rulemaking.

Referred to the Committee on Education.

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 238—A Bill to amend and reenact §18-5-44 of the Code of West Virginia, 1931, as amended, relating to expanding permissive early childhood education programs to children who are three years old beginning in the 2021-2022 school year; providing counties with the authority to implement three-year-old early childhood education programs; and clarifying that the state board rules should take into consideration curriculum appropriate for three-year-old children in such programs.

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

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 239—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-18f, relating to establishing vocational-technical programs in middle schools.

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

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 240—A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder resulting from an event that occurred during their employment; providing for diagnosis; noting that treatment can be conducted by other licensed mental health professionals once the initial diagnosis has been made by a psychiatrist; providing that continuing benefits are contingent upon continued treatment; and requiring the Joint Committee on Volunteer Fire Departments and Emergency Medical Services to

study the implementation of this provision and report to the Legislature with modifications or additions to this section.

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

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 241—A Bill to amend and reenact §11-21-8 of the Code of West Virginia, 1931, as amended, relating to providing new graduates of an in-state or out-of-state higher educational institution, community or technical college, or trade school a \$1,000 tax credit on the personal property tax of the graduate for five taxable years; providing rule-making authority to the Tax Commissioner; and removing expired language.

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

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 242—A Bill to amend and reenact §18C-7-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18C-10-1, §18C-10-2, §18C-10-3, §18C-10-4, §18C-10-5, and §18C-10-6, all relating to expiring the PROMISE Scholarship Program; establishing the Promise for All Scholarship Program; providing legislative findings and purpose of the new program; defining terms; providing eligibility, conditions, and limitations for participating in the program; directing the Higher Education Policy Commission administer the program; providing commission directives and authority to administer; providing for loss of scholarship if certain conditions are not fulfilled; placing limitations and conditions on scholarship awards; providing for legislative and emergency rules; establishing a new fund to hold and invest scholarship moneys; and providing for funding of program.

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

By Senator Martin:

Senate Bill 243—A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to prohibiting public entities, including state, county, and municipal buildings and facilities, places of public accommodation, and commercial facilities from charging a fee for parking in an accessible parking space bearing the international symbol of access.

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

By Senator Martin:

Senate Bill 244—A Bill to amend and reenact §24-3-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting a noninvestor-owned water or sewer public utility from prohibiting a customer from constructing, installing, or maintaining a connection or other infrastructure necessary for the customer to connect to the public utility to receive service.

Referred to the Committee on Transportation and Infrastructure.

Senators Trump and Woelfel offered the following resolution:

Senate Resolution 6—Adopting a special rule of order relating to the COVID-19 pandemic for the first regular session of the Eighty-Fifth Legislature.

Whereas, Pursuant to the provisions of Article VI, Section 18 of the Constitution of the State of West Virginia, the Eighty-Fifth Legislature organized on the thirteenth day of January, 2021; and

Whereas, The disease caused by the SARS-CoV2 virus (COVID-19) threatens the ability of members to fulfill their constitutional duties; and

Whereas, The Constitution of the State of West Virginia empowers each house of the Legislature to determine the rules of its proceedings; and

Whereas, Due to the COVID-19 pandemic, a special rule of order is necessary to allow for the safe and continual operation of Senate floor sessions during the legislative session; therefore, be it

Resolved by the Senate:

That a special rule of order be adopted for the first regular session of the Eighty-Fifth Legislature; and, be it

Further Resolved, That members who have been diagnosed with COVID-19, notified of potential exposure to someone diagnosed with COVID-19, or who have been determined by a physician to be at a higher risk for developing serious complications from COVID-19 may designate the Majority Leader or the Minority Leader to be their proxy and to vote on their behalf: *Provided,* That the presiding officer may, if needed, designate additional members from both the majority and minority to serve as proxies. A member may act as proxy for more than one absent member. Voting by proxy shall be limited to questions which arise on the floor of the Senate and is not permitted in any standing committee, select committee, or subcommittee. Any member seeking to designate a proxy shall make a written or electronic request to the presiding officer and provide documentation of his or her diagnosis, notification of potential exposure, or determination of being at a higher risk no later than one (1) hour prior to the commencement of the floor session. Each absent member, along with their designated proxy, shall be recorded in the Journal. Personal health information related to a proxy voting request or designation is exempt from public disclosure; and, be it

Further Resolved, That prior to the start of the third order of business, the presiding officer shall announce all members who are absent and have been approved to cast votes by proxy. During any division of the body or when the yeas and nays are called for, and after the votes of the members present have been counted or recorded, the presiding officer shall recognize the Majority and Minority Leaders or any other designated proxy, who shall announce the votes of each absent member for which they are

authorized to vote, and the result of the vote shall be recorded in the Journal; and, be it

Further Resolved, That the provisions of Rule 43 of the Rules of the Senate shall apply to proxy voting; and, be it

Further Resolved, That a member who has designated a member to act as proxy shall be counted as present for purposes of a quorum; and, be it

Further Resolved, That this special rule of order shall only be in effect for the duration of the first regular session of the Eighty-Fifth Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 10, 2021:

Senate Bill 1: Senators Weld, Baldwin, Plymale, Stollings, Jeffries, Woelfel, and Roberts;

Senate Bill 2: Senators Weld, Plymale, and Jeffries;

Senate Bill 3: Senators Plymale and Roberts;

Senate Bill 4: Senator Roberts;

Senate Bill 6: Senator Phillips;

Senate Bill 7: Senator Phillips;

Senate Bill 8: Senators Phillips, Roberts, and Smith;

Senate Bill 9: Senators Weld, Jeffries, and Phillips;

Senate Bill 10: Senators Weld, Jeffries, and Phillips;

Senate Bill 11: Senator Roberts;

Senate Bill 14: Senator Roberts;

Senate Bill 15: Senator Roberts;

Senate Bill 16: Senators Caputo, Weld, Baldwin, Jeffries, and Lindsay;

Senate Bill 17: Senators Baldwin, Jeffries, Woelfel, and Lindsay;

Senate Bill 18: Senators Caputo, Jeffries, Woelfel, and Lindsay;

Senate Bill 19: Senators Caputo and Jeffries;

Senate Bill 20: Senators Jeffries and Woelfel;

Senate Bill 21: Senator Jeffries;

Senate Bill 22: Senators Hamilton, Baldwin, and Jeffries;

Senate Bill 24: Senator Roberts;

Senate Bill 28: Senators Plymale and Roberts;

Senate Bill 29: Senator Lindsay;

Senate Bill 30: Senators Baldwin and Lindsay;

Senate Bill 31: Senator Roberts;

Senate Bill 38: Senators Caputo, Hamilton, Baldwin, Jeffries, Smith, Lindsay, and Ihlenfeld;

Senate Bill 39: Senators Caputo, Baldwin, Jeffries, and Lindsay;

Senate Bill 40: Senators Caputo, Baldwin, Jeffries, and Lindsay;

Senate Bill 41: Senators Caputo, Hamilton, Jeffries, and Lindsay;

Senate Bill 45: Senator Plymale;

Senate Bill 46: Senator Lindsay;

Senate Bill 47: Senator Baldwin;

Senate Bill 49: Senators Baldwin and Plymale;

Senate Bill 51: Senators Baldwin and Roberts;

Senate Bill 53: Senator Roberts;

Senate Bill 54: Senator Roberts;

Senate Bill 58: Senators Rucker, Plymale, and Smith;

Senate Bill 59: Senator Smith;

Senate Bill 60: Senator Smith;

Senate Bill 61: Senator Jeffries;

Senate Bill 66: Senators Hamilton and Stollings;

Senate Bill 68: Senators Stollings and Lindsay;

Senate Bill 69: Senator Roberts;

Senate Bill 70: Senator Roberts;

Senate Bill 72: Senator Plymale;

Senate Bill 82: Senators Plymale, Stollings, and Woelfel;

Senate Bill 83: Senator Stollings;

Senate Bill 84: Senators Jeffries and Woelfel;

Senate Bill 85: Senator Plymale;

Senate Bill 92: Senators Caputo, Baldwin, Woelfel, and Lindsay;

Senate Bill 93: Senators Caputo and Lindsay;

Senate Bill 94: Senators Caputo, Baldwin, and Lindsay;

Senate Bill 95: Senator Lindsay;

Senate Bill 96: Senator Caputo;

Senate Bill 98: Senators Caputo and Baldwin;

Senate Bill 100: Senators Baldwin, Nelson, and Lindsay;

Senate Bill 101: Senator Baldwin;

Senate Bill 102: Senators Caputo, Baldwin, Ihlenfeld, and Lindsay;

Senate Bill 103: Senators Caputo, Baldwin, and Lindsay;

Senate Bill 104: Senator Caputo;

Senate Bill 106: Senators Baldwin, Stollings, and Caputo;

Senate Bill 107: Senators Woelfel, Ihlenfeld, and Lindsay;

Senate Bill 108: Senators Caputo and Lindsay;

Senate Bill 109: Senator Caputo;

Senate Bill 111: Senators Caputo and Lindsay;

Senate Bill 114: Senators Caputo and Lindsay;

Senate Bill 115: Senator Ihlenfeld;

Senate Bill 116: Senators Hamilton and Ihlenfeld;

Senate Bill 117: Senator Lindsay;

Senate Bill 120: Senators Ihlenfeld and Lindsay;

Senate Bill 121: Senator Lindsay;

Senate Joint Resolution 1: Senators Rucker, Phillips, and Martin;

Senate Joint Resolution 2: Senator Plymale;

And,

Senate Joint Resolution 3: Senator Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:06 a.m., the Senate adjourned until tomorrow, Friday, February 12, 2021, at 11 a.m.

FRIDAY, FEBRUARY 12, 2021

The Senate met at 11 a.m.

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

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

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Eric J. Tarr, a senator from the fourth district.

Pending the reading of the Journal of Thursday, February 11, 2021,

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

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

The Clerk presented the following communications from various state agencies as required by the provisions of law:

Accountancy, Board of (§30-1-12)

Acupuncture, Board of (§30-1-12)

Administration, Department of (Procurement of Recycled Products) (§22-15A-21)

Administration, Department of (State Building Commission Fund) (§5-6-1)

Architects, Board of (§30-1-12)

Auditor's Office (Consolidated Budget Report) (§11-13A-5a)

Barbers and Cosmetologists, Board of (§30-1-12)

Chiropractic Examiners, Board of (§30-1-12)

Commercial Motor Vehicle Weight and Safety Enforcement Advisory Committee (§24A-1A-2)

Counseling, Board of Examiners in (§30-1-12)

Dentistry, Board of (§30-1-12)

Development Office (Governor's Guaranteed Work Force Program) (§5B-2D-6)

Development Office (Neighborhood Investment Program) (§11-13J-4a)

Development Office (Upper Kanawha Valley Resiliency and Revitalization Program) (§5B-2-15)

Economic Development Authority (Audited Financial Statements) (§31-15-29)

Engineers, Board of Registration for Professional (§30-1-12)

Environmental Protection, Department of (Oil and Gas Operating Permit and Processing Fund) (§22-6-29)

Environmental Protection, Department of (Oil and Gas Reclamation Fund) (§22-6-29)

Environmental Protection, Department of (Special Reclamation Fund Advisory Council) (§22-1-17)

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

Ethics Commission (Advisory Opinions) (§6B-2-3)

Foresters, Board of Registration for (§30-1-12)

Forestry, Division of (Logging Sediment Control Act) (§19-1B-13)

Forestry, Division of (Outdoor Heritage Conservation Fund) (§5B-2G-6)

Funeral Service Examiners, Board of (§30-1-12)

Geological and Economic Survey (§29-2-6)

Health and Human Resources, Department of (James “Tiger” Morton Catastrophic Illness Commission) (§16-5Q-2)

Housing Development Fund (Audited Financial Statements) (§31-18-24)

Insurance Commissioner, Offices of the (Office of the Consumer Advocate) (§33-2-16)

Investment Management Board (Audited Financial Statements) (§12-6-6)

Jobs Investment Trust Board (Investment Analyses) (§12-7-12)

Landscape Architects, Board of (§30-1-12)

Legislative Claims Commission (Annual Report) (§14-2-25)

Legislative Claims Commission (Crime Victims Compensation Fund) (§14-2A-21)

Massage Therapy Licensure Board (§30-1-12)

Medical Imaging and Radiation Therapy Technology Board of Examiners (§30-1-12)

Miners' Health, Safety, and Training, Office of (Annual Report and Directory of Mines) (§22A-1-4)

Municipal Bond Commission (§13-3-15)

Municipal Pensions Oversight Board (Municipal Policemen's and Firemen's Pension and Relief Funds Consolidated Actuarial Valuation) (§8-22-20a)

Natural Resources, Division of (§20-1-7)

Nursing Home Administrators Licensing Board (§30-1-12)

Occupational Therapy, Board of (§30-1-12)

Optometry, Board of (§30-1-12)

Osteopathic Medicine, Board of (§30-1-12)

Personnel, Division of (§29-6-7)

Pharmacy, Board of (§30-1-12)

Physical Therapy, Board of (§30-1-12)

Protective Services, Division of (Monthly Incident Report)
(§15-2D-3)

Psychologists, Board of Examiners of (§30-1-12)

Public Employees Grievance Board (§6C-3-3)

Real Estate Appraiser Licensing and Certification Board (§30-1-12)

Real Estate Commission (§30-1-12)

Registered Professional Nurses, Board of Examiners for (§30-1-12)

Respiratory Care, Board of (§30-1-12)

Ron Yost Personal Assistance Services Board (§18-10L-7)

Senior Services, Bureau of (§16-5P-14)

Social Work, Board of (§30-1-12)

Speech-Language Pathology and Audiology, Board of Examiners of (§30-1-12)

Surveyors, Board of Professional (§30-1-12)

Tax Appeals, Office of (§11-10A-7)

Tax Department, State (Tax Expenditure Study) (§11-10-5s)

Tax Department, State (Innovative Mine Safety Technology Tax Credit Review and Accountability Report) (§11-13BB-11)

Tax Department (Summary of Issues and Amounts of Liabilities Contained in Agreements and Compromises) (§11-10-5q)

Tourism Office (§5B-2I-4)

Treasurer, Office of the State (College Prepaid Tuition and Savings Program) (§18-30-10)

Treasurer, Office of the State (Debt Capacity) (§12-6A-6)

Treasurer, Office of the State (Debt Position) (§12-6A-6)

Treasury Investments, Board of (§12-6-6)

Veterinary Medicine, Board of (§30-1-12)

Water Development Authority (§22C-1-17)

Women's Commission (§29-20-6)

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

Senate Bill 9, Continuing Licensed Racetrack Modernization Fund.

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

Com. Sub. for Senate Bill 9 (originating in the Committee on Finance)—A Bill to amend and reenact §29-22A-10 of the Code of West Virginia, 1931, as amended, relating to continuation of Licensed Racetrack Modernization Fund; and making technical corrections.

And,

Senate Bill 34, Creating exemption to state sales and use tax for rental and leasing of equipment.

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

Com. Sub. for Senate Bill 34 (originating in the Committee on Finance)—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to creating an exemption to the State Sales and Use Tax for the rental of equipment among corporations with a minimum of 50 percent common ownership.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 10, Modifying racetrack licensing due date.

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

Respectfully submitted,

Eric J. Tarr,
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 78, Relating to rehabilitative spousal support.

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 81, Making technical corrections to WV Directed Trust Act.

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

Com. Sub. for Senate Bill 81 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §44D-1-105 of the Code of West Virginia, 1931, as amended; to amend and reenact §44D-8A-809 of said code; and to amend and reenact §44D-10-1008 of said code, all relating generally to the West Virginia Uniform Trust Code; correcting certain internal code references; adding certain cross references within the trust code; and modifying standard for trustee liability from “willful misconduct” to breach of fiduciary duty for consistency with similar trust law provisions.

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 Bills 126, 127, 128, and 129, Department of Administration rule relating to purchasing.

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

Com. Sub. for Senate Bill 126 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-2-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally, to authorizing certain agencies of the Department of Administration to promulgate legislative rules; authorizing the rules as filed, as modified, and as amended by the Legislative Rule-Making Review Committee; authorizing the Department of Administration to promulgate a legislative rule relating to purchasing; authorizing the State Board of Risk and Insurance Management to promulgate a legislative rule relating to mine subsidence insurance; authorizing the State Board of Risk and Insurance Management to promulgate a legislative rule relating to the public entities insurance program; and authorizing the State Board of Risk and Insurance Management to promulgate a legislative rule relating to the procedure for providing written notification of claims of potential liability to the state or its employees.

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 140, Division of Rehabilitation Services rule relating to Ron Yost Personal Assistance Services Act Board.

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 Bills 156, 157, 158, and 159, Fire Commission rule relating to standards for certification and continuing education of municipal, county, and other public sector building code officials, building code inspectors, and plans examiners.

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

Com. Sub. for Senate Bill 156 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-6-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Homeland Security to promulgate legislative rules; authorizing the rules as filed and as amended by the Legislature; relating to authorizing the Fire Commission to promulgate a legislative rule relating to standards for the certification and continuing education of municipal, county, and other public sector building code officials, building code inspectors, and plans examiners; relating to authorizing the Fire Marshal to promulgate a legislative rule relating to standards for the certification and continuing education of municipal, county, and other public sector building code officials, building code inspectors, and plans examiners; relating to

authorizing the State Emergency Response Commission to promulgate a legislative rule relating to emergency planning and community right-to-know; and relating to authorizing the State Emergency Response Commission to promulgate a legislative rule relating to the emergency planning grant program.

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 Joint Resolution 4, Incorporation of Churches or Religious Denominations Amendment.

And reports the same back with the recommendation that it be adopted; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

The Senate proceeded to the sixth order of business.

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

By Senator Ihlenfeld:

Senate Bill 245—A Bill to amend and reenact §5-10-18 of the Code of West Virginia, 1931, as amended, relating to providing an 11-month window to permit members of the Public Employees Retirement System to purchase credited service that had been previously forfeited.

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

By Senator Maynard:

Senate Bill 246—A Bill to amend and reenact §18B-1-3 and §18B-1-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4 of said code; to amend and reenact §18B-2A-4 of said code; to amend and reenact §18B-2B-6 of said code; and to amend said code by adding thereto a new section, designated §18B-4-5b, all relating to regulation or restriction of carrying a concealed pistol or revolver by a person who holds a current license to carry a concealed deadly weapon; authorizing regulation or restriction on the carrying of concealed pistols or revolvers in certain circumstances or areas of an institution of higher education; eliminating authority of the Higher Education Policy Commission, the Council for Community and Technical College Education, and the institutional boards of governors to restrict or regulate the carrying of concealed pistols or revolvers in certain circumstances or areas of an institution of higher education; and designating these amendments as the Campus Self-Defense Act.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 247—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-2a, relating to providing the Commissioner of Highways with the authority to designate a road as an “Historic Route”; and establishing rule-making authority.

Referred to the Committee on Transportation and Infrastructure.

By Senator Maynard:

Senate Bill 248—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-8-2a, relating to requiring the Department of Health and Human Resources to collaborate with the Workforce Development Board, the West Virginia Division of Personnel, and the West Virginia Department of Education for purposes of job placement.

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

By Senator Maynard:

Senate Bill 249—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-15D-1, §33-15D-2, §33-15D-3, §33-15D-4, §33-15D-5, and §33-15D-6, all relating to creating the Health Care Choice Act; stating legislative findings and purpose; and authorizing insurers from other states to engage in the business of health insurance in West Virginia only with the written approval of the Insurance Commissioner and subject to qualifications and other requirements determined by the Insurance Commissioner.

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

By Senator Rucker:

Senate Bill 250—A Bill to amend and reenact §15-13-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting a person required to register with the child abuse and neglect registry from having contact with a victim of abuse for 10 years from the date of conviction or from having been found not guilty by reason of mental illness, mental retardation, or addiction.

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 251—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1 and §16-63-2, all relating to creating the Living Infants Fairness and Equality Act; legislative findings; definitions; and recognizing unborn children as natural persons entitled to all safeguards granted to all living persons in West Virginia under the Bill of Rights of the Constitution of the United States and the West Virginia Constitution.

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

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 252—A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining “sexual orientation” and “gender identity”.

Referred to the Committee on the Judiciary.

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 253—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-7-8, relating to creating the Business PROMISE+ Scholarship; establishing the scholarship under the management of the Higher Education Policy Commission; creating a special revenue account; explaining funding for the scholarship; authorizing the issuance of tax credits for certain businesses; authorizing legislative rules by the Higher Education Policy Commission and the Tax Commissioner; setting student eligibility; noting business benefits and requirements; creating a process for awarding a specific amount of funds; detailing student

requirements upon receipt of the scholarship; and requiring the creation of a deferral and waiver program for certain requirements.

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

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 254—A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining “sexual orientation” and “gender identity”.

Referred to the Committee on the Judiciary.

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 255—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1, §9-11-2, §9-11-3, §9-11-4, and §9-11-5, all relating to the wholesale importation of prescription drugs.

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

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 256—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-1c; and to amend said code by adding thereto a new section, designated §33-16-1c, all relating to accident and sickness insurance coverage and group accident and sickness insurance coverage; requiring access to coverage of individuals with preexisting conditions; specifying acceptable variability in insurance rates; providing for new or changed coverage at certain

enrollment times; and conditioning the applicability of the provisions on federal law.

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

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 257—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-23; and to amend said code by adding thereto a new section, designated §33-16-19, all relating to a prohibition on short-term duration health insurance.

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

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, and Woelfel:

Senate Bill 258—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, §11-29-3, §11-29-4, §11-29-5, §11-29-6, §11-29-7, and §11-29-8, all relating to taxation of prescription opioids; imposing a tax on wholesale opioid distributors and mail-order pharmacies; establishing a license to distribute or dispense opioids; creating criminal penalties for distributing or dispensing opioids without a license and for failing to remit tax as required; authorizing the Department of Revenue to administer the tax; creating an Addiction and Neonatal Addiction Care Fund as a special revenue account and establishing the purposes for which the funds may be used; creating an Opioid Drug Taskforce Fund as a special revenue account and establishing the purposes for which the funds may be used; creating a Drug Courts Fund as a special revenue account and establishing the purposes for which the funds may be used; and creating an Opioid Education Fund as a special revenue account and establishing the purposes for which the funds may be used.

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

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 259—A Bill to amend and reenact §5-16-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5-16-6, all relating to authorizing small private employers to buy-in to PEIA; mandating that PEIA provide coverage to the employees of small, private employers and their dependents; providing that coverage for employees of a small employer is voluntary for both the employer and the employee; prohibiting refusal of coverage on the basis of past or future health care costs or claim experience; prohibiting administrative costs attributable to coverage to be paid by the state; and providing that participation does not create an employer-employee relationship with the state.

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

By Senators Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 260—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-1-16 and §16-1-16a, all relating to social determinants of health; establishing the Minority Health Advisory Team, including its composition and duties; authorizing a Community Health Equity Initiative Demonstration Project; authorizing the Commissioner of the Bureau for Public Health to establish a Community Health Equity Initiative Demonstration Project; establishing eligibility requirements; providing for the administration of the demonstration project; establishing requirements for a demonstration project plan and the selection of communities for participation; establishing reporting requirements; and establishing the date on which the demonstration project terminates.

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

By Senator Ihlenfeld:

Senate Bill 261—A Bill to amend and reenact §17C-5C-3 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Administrative Hearings to hear and determine appeals of the suspension or revocation of a graduated driver's license.

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

By Senator Hamilton:

Senate Bill 262—A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to requiring certain municipalities to pay for the incarceration of inmates arrested by the municipality's police.

Referred to the Committee on Government Organization.

By Senator Hamilton:

Senate Bill 263—A Bill to amend and reenact §47-21-2 of the Code of West Virginia, 1931, as amended, relating to enabling the conducting of online raffles for charitable and public service organizations to raise funds.

Referred to the Committee on the Judiciary.

By Senator Hamilton:

Senate Bill 264—A Bill to repeal §47-19-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §47-19-1, §47-19-3, §47-19-4, and §47-19-5 of said code; and to amend and reenact §60A-4-403a of said code, all relating to licenses to sell paraphernalia for use with controlled substances; terminating the Tax Commissioner's authority to issue business licenses to sell paraphernalia for use with controlled substances; revoking licenses previously issued by the Tax Commissioner; clarifying the definition of drug paraphernalia; requiring the continued retention of transaction records after the revocation of licensed authority; providing rule-making authority; providing effective date; setting criminal offense elements; and establishing criminal penalties.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 265—A Bill to amend and reenact §11A-3-4, §11A-3-19, §11A-3-52, and §11A-3-56 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11A-4-6 of said code, all relating to sale of delinquent tax liens; prescribing when payments must be made for redemption; limiting fees to \$500 to secure deed; establishing when purchaser has access to property and when delinquent tax payer does not; changing time for redemption and time to set aside a deed; and reducing the time to redeem by persons with disabilities.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 266—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §36-16-1, §36-16-2, §36-16-3, §36-16-4, §36-16-5, §36-16-6, §36-16-7, §36-16-8, §36-16-9, §36-16-10, §36-16-11, §36-16-12, §36-16-13, and §36-16-14, all relating to creating the Uniform Easement Relocation Act; providing short title and definitions; scope of article; stating the right of servient estate owner to relocate easement; requiring commencement of civil action; requiring findings and court order; expenses of relocation and duty to act in good faith; limited effect of relocation of easement; providing that right to relocate may not be waived; relation to Electronic Signatures in Global and National Commerce Act; and providing that article applies to an easement created before, on, or after the effective date of this article.

Referred to the Committee on the Judiciary.

By Senator Sypolt (By Request):

Senate Bill 267—A Bill to amend and reenact §11A-1-9 of the Code of West Virginia, 1931, as amended, relating to payment of taxes by coowners.

Referred to the Committee on the Judiciary.

By Senators Martin, Phillips, Karnes, Stover, and Smith:

Senate Bill 268—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-8I-1, §31A-8I-2, §31A-8I-3, and §31A-8I-4, all relating to unlawful discriminatory practices by a financial institution or government entity against manufacturers, retailers, distributors, shooting ranges, or trade associations that support or are engaged in the lawful commerce of firearms, firearms accessories, or ammunition products; authorizing a declaratory judgment action to be brought by the Attorney General in the name of the state; and providing for an award of monetary damages and costs and other remedies against the violators including potential discontinuance of business by the state with these violators.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 269—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-17-1, §21-17-2, §21-17-3, §21-17-4, §21-17-5, §21-17-6, §21-17-7, §21-17-8, §21-17-9, §21-17-10, §21-17-11, and §21-17-12; to amend said code by adding thereto a new article, designated §29-33-1, §29-33-2, §29-33-3, §29-33-4, §29-33-5, §29-33-6, §29-33-7, §29-33-8, §29-33-9, §29-33-10, §29-33-11, and §29-33-12; to amend said code by adding thereto a new article, designated §30-1F-1, §30-1F-2, §30-1F-3, §30-1F-4, §30-1F-5, §30-1F-6, §30-1F-7, §30-1F-8, §30-1F-9, §30-1F-10, §30-1F-11, and §30-1F-12, all relating to occupational licensing or other authorization to practice; providing for definitions; providing for an application method for persons with a valid license in another state to be licensed in this state; establishing that an applicant seeking licensure in this state not have ever had a license revoked or suspended in another state; providing that an applicant seeking licensure in this state not have any pending investigations or disciplinary proceedings in another state; providing that the boards in every state where a person is licensed hold an applicant in good standing for licensure in this state; providing that an applicant pay all applicable fees; providing that an applicant meet all state bonding requirements for licensure in this state; providing for an application fee that may be assessed

by the board; and requiring recognition for qualified applicants from other states.

Referred to the Committee on Government Organization.

By Senator Maynard:

Senate Bill 270—A Bill to amend and reenact §7-18-3 and §7-18-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §7-18-4a, all relating to taxation of hotel rooms booked through a marketplace facilitator; defining marketplace facilitator; providing for collection and remittance of the hotel occupancy tax imposed by any municipality or county by certain marketplace facilitators; making marketplace facilitators satisfy certain economic nexus requirements responsible for collection and remittance of the tax imposed by any county or municipality; requiring the marketplace facilitator to separately state the tax on all bills, invoices, accounts, books of account, and records relating to consideration paid for the occupancy or use of a hotel room; deeming all taxes collected be held in trust by the marketplace facilitator until remitted; establishing procedures, timelines, and requirements for the remittance of hotel occupancy taxes by marketplace facilitators; providing for the administration, enforcement, and collection of such taxes by the State Tax Commissioner; providing criminal penalties for violations; providing rule-making authority; and permitting marketplace facilitators and hotels or hotel operators to enter into agreements regarding fulfillment of the requirements of the chapter.

Referred to the Committee on Government Organization.

Senator Maynard offered the following resolution:

Senate Concurrent Resolution 3—Urging the United States Congress to reopen public lands in the State of West Virginia.

Whereas, Off-highway vehicle recreation has demonstrated a tremendous economic benefit of at least \$43 billion throughout the United States and to West Virginia, in particular; and

Whereas, West Virginia has an unparalleled opportunity to replace lost jobs with new employment supporting off-highway vehicle recreation; and

Whereas, West Virginia currently suffers from the highest rates of drug overdose deaths, and the actual number of deaths due to opioid overdose has quadrupled since 2010, but wilderness therapy programs, outdoor recreation, and off-highway vehicle recreation have demonstrated positive health effects for veterans with post-traumatic stress disorder and individuals with opioid addictions; and

Whereas, Resumption of logging in the national forests will bring both economic benefits to the state and to the national budget as well as reduction in the potential for devastating wildfires through proper forest management and timbering practices; and

Whereas, The public benefits of maintaining West Virginia's recreation economy, opportunities for outdoor therapy, and vital logging industry provide powerful reasons to restore full access to nationally managed public lands in this state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges the United States Congress to reopen public lands in the State of West Virginia; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the representatives and senators elected by the citizens of West Virginia serving the citizens of West Virginia in the Congress of the United States in Washington, D. C.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 6, Adopting special rule of order relating to proxy voting due to COVID-19 pandemic.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Rules.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Stollings, Trump, and Tarr.

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution on February 11, 2021:

Senate Bill 1: Senators Maroney and Nelson;

Senate Bill 2: Senators Baldwin, Takubo, and Nelson;

Senate Bill 3: Senators Takubo and Nelson;

Senate Bill 4: Senator Takubo;

Senate Bill 5: Senator Takubo;

Senate Bill 6: Senator Takubo;

Senate Bill 7: Senator Takubo;

Senate Bill 8: Senator Martin;

Senate Bill 9: Senators Nelson and Takubo;

Senate Bill 10: Senators Nelson and Takubo;

Senate Bill 11: Senator Takubo;

Senate Bill 12: Senator Takubo;

Senate Bill 13: Senator Takubo;

Senate Bill 14: Senator Takubo;

Senate Bill 15: Senator Takubo;

Senate Bill 16: Senator Takubo;

Senate Bill 19: Senator Takubo;

Senate Bill 25: Senator Phillips;

Senate Bill 28: Senator Grady;

Senate Bill 67: Senator Stollings;

Senate Bill 69: Senators Sypolt, Grady, and Martin;

Senate Bill 73: Senator Grady;

Senate Bill 225: Senators Lindsay and Caputo;

Senate Bill 231: Senator Stollings;

And,

Senate Resolution 6: Senator Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:20 a.m., the Senate adjourned until tomorrow, Saturday, February 13, 2021, at 9 a.m.

SATURDAY, FEBRUARY 13, 2021

The Senate met at 9 a.m.

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

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

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Tom Takubo, a senator from the seventeenth district.

Pending the reading of the Journal of Friday, February 12, 2021,

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

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

The Senate then proceeded to the fourth order of business.

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

Your Committee on Education has had under consideration

Senate Bill 15, Relating generally to in-field master's degree.

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

Com. Sub. for Senate Bill 15 (originating in the Committee on Education)—A Bill to amend and reenact §18A-4-1 and §18A-

4-2 of the Code of West Virginia, 1931, as amended, all relating generally to in-field master's degree; revising definition of "M.A."; providing that salary increase for holding an in-field master's degree is contingent upon a classroom teacher's assignment; requiring the state board to promulgate rules for the administration and implementation of the in-field master's salary; specifying contents of rule; requiring the Higher Education Policy Commission to develop a plan to provide readily accessible "MA" classification programs at West Virginia institutions of higher education for professional educators throughout the state; requiring the commission to propose a legislative rule outlining the process for the state's public, master's degree granting institutions to offer a fully online, collaborative graduate program for educators providing academic coursework including pedagogy, curriculum and instructional design, and behavioral health areas of focus; and prohibiting a classroom teacher from receiving the salary increase for any education level above A.B. plus 15 unless certain in-field master's degree related requirements have been satisfied.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Education.

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 Bills 216, 217, 218, 219, 220, 221, 222, and 223, Department of Commerce rule relating to tourism development districts.

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

Com. Sub. for Senate Bill 216 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-10-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Commerce to promulgate legislative rules; authorizing the rules as filed, as modified, and as amended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Commerce to promulgate a legislative rule relating to tourism development districts; authorizing the Division of Labor to promulgate a legislative rule relating to high pressure steam boiler and forced flow steam generator requirements; authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rule governing the submission and approval of a comprehensive mine safety program for coal mining operations in the State of West Virginia; authorizing the Division of Natural Resources to promulgate a legislative rule relating to Cabwaylingo State Forest trail system two-year pilot program permitting ATV's and ORV's; authorizing the Division of Natural Resources to promulgate a legislative rule relating to defining the terms used in all hunting and trapping; authorizing the Division of Natural Resources to promulgate a legislative rule relating to deer hunting rule; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special migratory game bird hunting; and authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting.

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:

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 271—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 Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 272—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, §21-5I-4, §21-5I-5, §21-5I-6, and §21-5I-7, all relating to the West Virginia Employment Law Worker Classification Act; and clarifying definition of “independent contractor”.

Referred to the Committee on the Judiciary.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 273—A Bill to amend and reenact §30-3-13a of the Code of West Virginia, 1931, as amended, relating to telemedicine; expanding use of telemedicine to all medical personnel; allowing for audio-only telemedicine encounters; ensuring parity for telemedicine to match in-person coverage and fees; and limiting the ability of medical personnel professional licensure boards to restrict telemedicine.

Referred to the Committee on Health and Human Resources.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 274—A Bill to amend and reenact §5B-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5B-2-1, §5B-2-2, §5B-2-3, §5B-2-3b, §5B-2-4, §5B-2-4a, §5B-2-5, §5B-2-6, §5B-2-6a, §5B-2-9a, §5B-2-10, §5B-2-14, §5B-2-15, §5B-2-16, and §5B-2-17 of said code; to amend and reenact §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6, §5B-2I-7, and §5B-2I-8 of said code; to amend and reenact §5F-1-2 of said code; and to amend and reenact §5F-2-1 of said code, all relating to reorganizing and redesignating certain agencies of the Department of Commerce; clarifying the divisions that report to the cabinet secretary of the Department of Commerce; removing the West Virginia Development Office from the Department of Commerce and redesignating the West Virginia Development Office as the Department of Economic Development; removing reference to the Division of Energy under the Department of Commerce; removing the West Virginia Tourism Office from the Department of Commerce and redesignating the West Virginia Tourism Office as the Department of Tourism; removing the Tourism Commission from the Department of Commerce and redesignating the Tourism Commission as the Tourism Advisory Council; redesignating the executive director of the Development Office as the secretary of the Department of Economic Development and providing for his or her appointment and term of office; providing that the Department of Economic Development will utilize existing resources of the Department of Commerce to the fullest extent practicable and efficient; providing that the Secretary of the Department of Economic Development may exempt employees from coverage under the state's classified service; providing that the Department of Economic Development is exempt from of §5A-3-1 *et seq.* of this code; redesignating the Development Office Promotion Fund as the Economic Development Promotion and Closing Fund and allowing further uses of such fund; redesignating the executive director of the Tourism Office as the secretary of the Department of Tourism and providing for his or her appointment and term of office; providing that the Department of Tourism will utilize existing resources of the Department of Commerce to the fullest extent practicable and efficient; providing that the

Department of Tourism is exempt from certain code; adding the Secretary of the Department of Economic Development to the membership of the Tourism Advisory Council; updating references to the secretary and Department of Economic Development; and updating references to the secretary and Department of Tourism.

Referred to the Committee on Government Organization.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 275—A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-2D-16a; to amend said code by adding thereto a new section, designated §23-1-1h; to amend and reenact §23-5-1, §23-5-3, §23-5-5, §23-5-6, §23-5-8, §23-5-9, §23-5-10, §23-5-11, §23-5-12, §23-5-13, §23-5-15, and §23-5-16 of said code; to amend said code by adding thereto a new section, designated §23-5-8a; to amend and reenact §29A-5-4 of said code; to amend and reenact §29A-6-1 of said code; to amend and reenact §51-2-2 of said code; to amend and reenact §51-2A-24 of said code; 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, §51-11-13, and §51-11-14; and to amend and reenact §58-5-1 of said code, all relating generally to the West Virginia Appellate Reorganization Act of 2021; providing that the Judicial Vacancy Advisory Commission shall assist the Governor in filling judicial vacancies in an Intermediate Court of Appeals; transferring jurisdiction over appeals of decisions of the Health Care Authority in certificate of need reviews from the Workers' Compensation Office of Administrative Judges to the Intermediate Court of Appeals; transferring jurisdiction over objections filed in workers' compensation claims from the Office of Judges to the Workers' Compensation Board of Review; terminating the Office of Judges by a certain date and transferring all powers and duties, related to objections, from the Office of Judges to the Board of Review; providing that the Insurance Commissioner shall have administrative oversight and authority over the Board of Review;

adding two members to the Board of Review; providing for appointment of new Board of Review members; providing for the appointment of members of the board of review; authorizing the Board of Review to hire hearing examiners meeting certain qualifications and classified as attorneys; requiring the chair of the Board of Review to assign a member of the Board to each objection; requiring that all orders and decisions of the Board of Review pertaining to an objection be issued and signed by a single member of the Board of Review; permitting the Board of Review member assigned to an objection to delegate certain duties to a hearing examiner; establishing the administrative powers and duties of the Board of Review; increasing the limit on the annual salary of a Board of Review member; authorizing the Board of Review to promulgate rules of practice and procedure, and establishing a process therefor; establishing duties of the chair of the Board of Review; providing that the administrative expenses of the Board of Review shall be included in annual budget of the Insurance Commissioner; providing that petitions for review of final decisions of the Workers' Compensation Board of Review must be made to the Intermediate Court of Appeals; establishing certain procedures and other requirements for appeals of Board of Review decisions made to the Intermediate Court of Appeals; providing that the Supreme Court of Appeals has discretion to review final decisions of the Intermediate Court of Appeals in workers' compensation claims; requiring that appeal of contested cases under the State Administrative Procedures Act be made to the Intermediate Court of Appeals; excluding certain matters from jurisdiction of the circuit courts; transferring jurisdiction to review family court final orders from circuit courts to the Intermediate Court of Appeals; creating an Intermediate Court of Appeals in West Virginia to be operational by a certain date; providing a short title; providing legislative findings; defining terms; establishing and defining two geographical districts of the Intermediate Court of Appeals; requiring a three-judge panel for proceedings of each district of the Intermediate Court of Appeals; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; providing for and excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing that parties to an appeal in the Intermediate Court of Appeals shall have

an opportunity for a full and meaningful review on the record of the lower tribunal and an opportunity to be heard; establishing a procedure by which parties to an appeal in the Intermediate Court of Appeals may file a motion for direct review of an appeal by the Supreme Court of Appeals in extraordinary circumstances; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing a process for the staggered initial appointment of judges to the Intermediate Court of Appeals to fill vacancies in the Intermediate Court of Appeals upon its creation; providing a process for the initial appointment of judges to the Intermediate Court of Appeals to fill vacancies in the Intermediate Court of Appeals upon its creation; providing for an initial election of judges to the Intermediate Court of Appeals; providing for the regular election of a judge to each district of the Intermediate Court of Appeals upon the expiration of a sitting judge's term; establishing procedures for the filling of vacancies in unexpired judicial terms by appointment and in certain circumstances, subsequent election; providing that the Governor's judicial appointments must be made from a list of candidates submitted by the Judicial Vacancy Advisory Commission and are subject to advice and consent of the Senate; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected public office during the judicial term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; requiring the Chief Judge of the Intermediate Court of Appeals to publish and submit certain reports to the Legislature and Supreme Court of Appeals regarding pending cases; authorizing filing fees; providing for deposit of filing fees in a special revenue account to fund the State Police Forensic Laboratory; recognizing the constitutional authority of the Supreme Court of Appeals to exercise administrative authority over the Intermediate Court of Appeals; providing that procedures and operations of the Intermediate Court of Appeals shall comply with rules promulgated by the Supreme Court of Appeals; requiring that appeals to the Intermediate Court of Appeals be filed with the clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings shall take place in publicly available facilities as arranged by the administrative

director of the Supreme Court of Appeals; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the administrative director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations; providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for lower courts; providing that the Intermediate Court of Appeals shall issue written decisions as a matter of right; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; providing internal effective dates; removing obsolete language from the code; and making technical corrections to the code.

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

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 276—A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 277—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-12E-1, §29-12E-2, §29-12E-3, and §29-12E-4, all relating to the creation of, and the enactment and operation of, the West Virginia COVID-19 Immunity Act; providing for certain immunities from liability for claims regarding COVID-19; providing for definitions;

providing for exceptions; to provide for a retroactive effective date; and providing for severability.

Referred to the Committee on the Judiciary.

By Senators Smith and Sypolt:

Senate Bill 278—A Bill to amend and reenact §11-9-2 of the Code of West Virginia, 1931, as amended, relating to redirecting excise tax revenue on bottled soft drinks from West Virginia University schools to the counties for the benefit of county law-enforcement agencies.

Referred to the Committee on Finance.

By Senator Maynard:

Senate Bill 279—A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to eliminating the restriction to carry a firearm on the State Capitol Complex grounds.

Referred to the Committee on the Judiciary.

By Senator Takubo:

Senate Bill 280—A Bill to amend and reenact §12-3A-6 of the Code of West Virginia, 1931, as amended, relating generally to acceptance of electronic payments by state and local government entities; providing that costs associated with electronic payments collected by spending units may be invoiced in a commercially reasonable manner; defining a term; requiring political subdivisions to accept all payments electronically beginning on a certain date; permitting the Treasurer to exempt spending units from electronic payment requirement based on certain criteria; and authorizing legislative rules.

Referred to the Committee on Government Organization.

By Senator Tarr:

Senate Bill 281—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-2-23; and to amend and reenact §60-3A-27, all relating to

prohibiting the Alcohol Beverage Control Commission from taking enforcement action against activities that are beyond the scope of the commission's purview; establishing criminal penalties against commission officers and employees for pursuing prohibited enforcement actions; and providing an affirmative defense for licensees or applicants for licenses against prohibited enforcement actions.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 282—A Bill to amend and reenact §11-1C-9 of the Code of West Virginia, 1931, as amended, relating to limiting the initial increase in assessment of residential real property as a result of the periodic reevaluation of such property.

Referred to the Committee on Finance.

By Senator Maynard:

Senate Bill 283—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-2F-1, relating to public and private financing of road construction projects.

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

By Senator Maynard:

Senate Bill 284—A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-28-2 and §18-28-6 of said code, all relating to giving private schools the option of making vaccinations required for enrollment; and requiring private schools to maintain annual attendance records.

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

By Senator Maynard:

Senate Bill 285—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to requiring public schools to notify parents when dispensing contraceptives to minors; and providing a definition.

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

By Senator Maynard:

Senate Bill 286—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 Senator Beach:

Senate Bill 287—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to county boards of education; and requiring boards to provide free feminine hygiene products in grades six through 12.

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

By Senator Beach:

Senate Bill 288—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-9b, relating to the Katherine Johnson and Dorothy Vaughan Fair Pay Act of 2021; honoring Katherine Johnson and Dorothy Vaughan; making it unlawful for an employer to require, as a condition of employment, that an employee refrain from disclosing information about his or her wages, benefits, or other

compensation, or sharing information about another employee's wages, benefits, or other compensation; making it unlawful for an employer to require a waiver of employees' rights to disclose information about his or her wages, benefits, or other compensation, or to share information about another employee's wages, benefits, or other compensation; and limiting employer's inquiry into applicant's wage and salary history.

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

By Senator Beach:

Senate Bill 289—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7h; to amend said code by adding thereto a new section, designated §9-5-28; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3ii; to amend said code by adding thereto a new section, designated §33-24-7x; to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating to requiring Medicaid and insurance coverage for treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome and other autoimmune encephalopathies, including, but not limited to, intravenous immunoglobulin therapy, plasmapheresis, and other therapies and medications consistent with evidence-based treatment guidelines such as those published in the Journal of Child and Adolescent Psychopharmacology and nationally recognized expert consensus guidelines.

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

By Senator Beach:

Senate Bill 290—A Bill to amend and reenact §18C-9-4 of the Code of West Virginia, 1931, as amended, relating to a moratorium

on the termination, cancellation, or suspension of courses by institutions receiving WV Invests Grants.

Referred to the Committee on Education.

By Senator Beach:

Senate Bill 291—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9t, relating to the exemption of certain hygiene products from sales tax.

Referred to the Committee on Finance.

By Senator Ihlenfeld:

Senate Bill 292—A Bill to amend and reenact §3-8-15 of the Code of West Virginia, 1931, as amended, relating to disclosure of fundraising contributions during a legislative session; and requiring disclosure of fundraising contributions by caucus campaign committees.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 293—A Bill to amend and reenact §31-15-5 and §31-15-6 of the code of West Virginia, 1931, as amended, all relating generally to the authority of the West Virginia Economic Development Authority to enter into certain contracts and agreements; providing that the board may direct the executive director to enter into those contracts, agreements, and instruments that are necessary to carry out the statutory powers and duties of the authority; and providing that the authority is not authorized to enter into contracts or agreements with financial institutions for banking goods or services or to make deposits in a financial institution without the approval of the State Treasurer.

Referred to the Committee on Government Organization.

By Senator Phillips:

Senate Bill 294—A Bill to amend and reenact §18-30-3, §18-30-4, and §18-30-6 of the Code of West Virginia, 1931, as

amended; and to amend said code by adding thereto a new section, designated §18-30-6a, all relating generally to savings and investment programs offered by the state; defining terms; reconciling the definition of the term “qualified education expenses” with federal law for college savings program tax benefit purposes; increasing the number of persons on the Board of Trustees of the College Prepaid Tuition and Savings Program; requiring that certain members appointed to the board have experience, knowledge, or skill in a financial field; providing that reasonable efforts shall be made to appoint one member to the board with a CFA; authorizing early closure of the West Virginia Prepaid Tuition Trust Plan and Fund upon depletion of the fund and the election of the board; authorizing the board to expend moneys in the Prepaid Tuition Trust Plan Escrow Fund to satisfy outstanding obligations of the West Virginia Prepaid Tuition Trust Plan; specifying when Prepaid Tuition Plan account owner assets are presumed abandoned; providing for allocation of moneys remaining in the escrow fund upon closure of the Prepaid Tuition Plan; permitting the board to maintain a certain amount in the escrow fund for 10 years following closure of the Prepaid Tuition Trust Fund to satisfy potential claims; providing conditions for final closure of the escrow fund; creating a nonappropriated special revenue fund; transferring moneys from the escrow fund to the special revenue fund; authorizing receipts to, and expenditures from, the special revenue fund for certain purposes related to new savings and investment programs; providing for investment of moneys in the special revenue fund; removing obsolete language; and making technical corrections.

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

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 3, Urging Congress reopen public lands in WV.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Government Organization.

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 9, Continuing Licensed Racetrack Modernization Fund.

Senate Bill 10, Modifying racetrack licensing due date.

Com. Sub. for Senate Bill 34, Creating exemption to state sales and use tax for rental and leasing of equipment.

Senate Bill 78, Relating to rehabilitative spousal support.

Com. Sub. for Senate Bill 81, Relating generally to WV Uniform Trust Code.

Com. Sub. for Senate Bill 126, Authorizing Department of Administration to promulgate legislative rules.

Senate Bill 140, Division of Rehabilitation Services rule relating to Ron Yost Personal Assistance Services Act Board.

And,

Com. Sub. for Senate Bill 156, Authorizing Department of Homeland Security to promulgate legislative rules.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 12, 2021:

Senate Bill 1: Senators Romano, Grady, Caputo, and Woodrum;

Senate Bill 2: Senators Romano, Stollings, and Maroney;

Senate Bill 3: Senators Maroney, Grady, and Woodrum;

Senate Bill 5: Senator Maroney;

Senate Bill 6: Senator Maroney;

Senate Bill 7: Senator Woodrum;

Senate Bill 8: Senators Romano, Maroney, Grady, and Woodrum;

Senate Bill 9: Senators Maroney and Woodrum;

Senate Bill 10: Senators Maroney and Woodrum;

Senate Bill 11: Senator Maroney;

Senate Bill 14: Senator Maroney;

Senate Bill 16: Senator Maroney;

Senate Bill 18: Senator Hamilton;

Senate Bill 19: Senators Romano and Maroney;

Senate Bill 21: Senator Romano;

Senate Bill 22: Senator Caputo;

Senate Bill 23: Senator Woodrum;

Senate Bill 24: Senators Maroney and Woodrum;

Senate Bill 25: Senator Woodrum;

Senate Bill 26: Senator Caputo;

Senate Bill 28: Senator Woelfel;

Senate Bill 30: Senators Romano, Nelson, and Woodrum;

Senate Bill 38: Senator Romano;

Senate Bill 39: Senator Romano;

Senate Bill 40: Senators Romano and Woelfel;

Senate Bill 41: Senator Romano;

Senate Bill 45: Senator Caputo;

Senate Bill 47: Senator Nelson;

Senate Bill 48: Senator Romano;

Senate Bill 49: Senator Romano;

Senate Bill 51: Senator Romano;

Senate Bill 54: Senator Woodrum;

Senate Bill 58: Senator Woodrum;

Senate Bill 66: Senators Romano and Woodrum;

Senate Bill 67: Senator Maroney;

Senate Bill 69: Senator Woodrum;

Senate Bill 70: Senator Maroney;

Senate Bill 73: Senators Hamilton and Woodrum;

Senate Bill 74: Senator Woodrum;

Senate Bill 75: Senator Maroney;

Senate Bill 82: Senator Romano;

Senate Bill 84: Senator Romano;

Senate Bill 85: Senator Woodrum;

Senate Bill 86: Senator Woodrum;

Senate Bill 87: Senator Woodrum;

Senate Bill 91: Senator Romano;

Senate Bill 100: Senators Romano, Maroney, and Caputo;

Senate Bill 102: Senators Romano and Maroney;

Senate Bill 103: Senator Romano;

Senate Bill 104: Senator Romano;

Senate Bill 106: Senators Romano and Woelfel;

Senate Bill 107: Senators Romano and Caputo;

Senate Bill 120: Senator Woelfel;

Senate Bill 231: Senator Maroney;

Senate Bill 235: Senator Hamilton;

Senate Bill 244: Senators Nelson and Swope;

Senate Bill 245: Senators Stollings, Romano, Caputo, and Woelfel;

Senate Bill 246: Senators Woodrum and Phillips;

Senate Bill 247: Senators Woodrum and Stollings;

Senate Bill 250: Senator Phillips;

Senate Bill 251: Senators Woodrum and Grady;

Senate Bill 261: Senator Romano;

Senate Bill 262: Senators Phillips and Woodrum;

Senate Bill 263: Senators Phillips, Romano, and Woodrum;

Senate Bill 264: Senator Woodrum;

Senate Bill 268: Senators Rucker and Romano;

Senate Bill 269: Senator Swope;

Senate Joint Resolution 1: Senator Grady;

Senate Concurrent Resolution 3: Senator Rucker;

And,

Senate Resolution 6: Senator Baldwin.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 9:06 a.m., the Senate adjourned until Monday, February 15, 2021, at 11 a.m.

MONDAY, FEBRUARY 15, 2021

The Senate met at 11 a.m.

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

Prayer was offered by the Honorable Michael T. Azinger, a senator from the third district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Stephen Baldwin, a senator from the tenth district.

Pending the reading of the Journal of Saturday, February 13, 2021,

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

The Clerk presented the following communication from a state agency as required by the provisions of law:

Special Investigations, Commission on (§4-5-2)

The Senate proceeded to the fourth order of business.

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

Your Committee on Education has had under consideration

Senate Bill 14, Providing for additional options for alternative certification.

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

Com. Sub. for Senate Bill 14 (originating in the Committee on Education)—A Bill to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to creating a third set of conditions for which a person may be issued a professional teaching certificate for teaching in the public schools; and providing that teaching certificates granted pursuant to the new set of conditions are equivalent to certificates granted to graduates of teacher preparation programs at public higher education institutions.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,
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:

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 295—A Bill to amend and reenact §12-6C-11 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §12-6C-11a; to amend and reenact §31-15-8 of said code; and to amend said code by adding thereto a new section, designated §31-15-8a, all relating generally to economic development loans and loan insurance issued by the state; clarifying provision stating that the Board of Treasury Investments has no fiduciary duty with regard to economic development loans administered by the Economic Development Authority; providing that the Board of Treasury Investments may inspect and copy, upon written notice, all records related to loans made available by the board to the Economic Development Authority and providing that such records shall not be considered public records and shall be exempt from disclosure pursuant to the provisions of chapter 29B of the code; defining terms; limiting the total amount of loan moneys that the board shall make available to the authority for the Broadband Loan Insurance Program to \$80 million; establishing requirements that must be met before broadband loan insurance moneys will be made available to the authority; providing that the board shall maintain broadband loan insurance loan moneys in a separate account in the Consolidated Fund; providing that broadband loan insurance moneys may only be drawn upon in the event of a broadband provider default on an insured debt or security instrument; limiting the amount of loan insurance that the authority may award in a single year to a single broadband provider to \$20 million; clarifying that the authority may not deduct administrative or operational costs from broadband loan insurance loan moneys; setting forth requirements that must be met before the authority may draw on broadband loan insurance moneys in the event of a broadband provider's default; requiring the authority to submit quarterly

reports to the Joint Committee on Government and Finance and to the Governor containing certain information related to its loan insurance program; requiring the authority to make application forms for broadband loan insurance publicly available on its website; establishing the minimum information an applicant for broadband loan insurance shall be required to submit to the authority; establishing minimum criteria that the authority must consider in its broadband loan insurance application review process; establishing that the authority may provide loan insurance for eligible broadband providers pursuant to awards made by federally funded broadband expansion programs; providing that the authority may not issue loan insurance to a broadband provider that has previously defaulted on any debt or security instrument insured by the authority; requiring the authority to post certain information regarding loan insurance agreements on its website; requiring the authority to adhere to certain accounting and record-keeping practices; requiring the authority to submit quarterly reports to the Board of Treasury Investments, the Joint Committee on Government and Finance, and the Governor containing certain information on insured loans and broadband projects financed by insured loans; requiring a biennial legislative audit of the Broadband Loan Insurance Program; removing obsolete language; and making technical corrections.

Referred to the Committee on Government Organization.

By Senator Sypolt:

Senate Bill 296—A Bill to amend and reenact §64-12-1, §64-12-2, §64-12-3, and §64-12-4 of the Code of West Virginia, 1931, as amended, all relating generally to repealing certain legislative, procedural, and interpretative rules promulgated by certain agencies, boards, and commissions which are no longer authorized or are obsolete; authorizing certain agencies under the Department of Administration, Department of Health and Human Resources, Department of Revenue, and Department of Commerce to repeal certain legislative, procedural, and interpretative rules; repealing the Board of Risk and Insurance Management legislative rule relating to discontinuation of professional malpractice insurance; repealing the Department of Health and Human Resources

legislative rule relating to DUI safety and treatment; repealing the Department of Health and Human Resources legislative rule relating to incorporation of the social services manual; repealing the Department of Health and Human Resources legislative rule relating to operating rules and regulations for the West Virginia Commission on Children and Youth; repealing the Department of Health and Human Resources legislative rule relating to state child fatality review team and county multidisciplinary review teams; repealing the Insurance Commissioner legislative rule relating to emergency medical services; repealing the Insurance Commissioner legislative rule relating to diabetes regulations; repealing the Racing Commission procedural rule relating to dispute resolution procedures; repealing the State Tax Department interpretative rule relating to tax shelter voluntary compliance program; repealing the State Tax Department interpretative rule relating to preference for determining successful bids; repealing the State Tax Department procedural rule relating to tobacco products excise tax on floorstocks; repealing the State Tax Department legislative rule relating to West Virginia Film Industry Investment Act; repealing the State Tax Department legislative rule relating to residential solar energy tax credit; repealing the State Tax Department legislative rule relating to Business Franchise Tax; repealing the Division of Labor legislative rule relating to hazardous chemical substances; and repealing the Division of Labor legislative rule relating to Commercial Bungee Jumping Safety Act.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 297—A Bill to amend and reenact §12-6C-4 and §12-6C-9 of the Code of West Virginia, 1931, as amended, all relating generally to the Board of Treasury Investments; authorizing the board to provide compensation to appointed directors for each meeting attended and establishing the rate thereof; authorizing the board to invest in commercial paper with a certain nationally recognized rating and weighted maturity; authorizing the board to invest in state and local government securities with certain nationally recognized ratings; removing the

limitation on the percentage of the Consolidated Fund that the board may invest in certain corporate securities; and eliminating the requirement that the board invest a certain percentage of the Consolidated Fund in obligations guaranteed by the United States.

Referred to the Committee on Finance.

Senator Rucker offered the following resolution:

Senate Concurrent Resolution 4—Recognizing June 19 as Juneteenth Day.

Whereas, Juneteenth, also known as Juneteenth Independence Day, Emancipation Day, Emancipation Celebration, and Freedom Day, is the oldest African-American holiday observance in the United States; and

Whereas, Juneteenth commemorates the strong survival instinct of African Americans who were first brought to this country stacked in the bottom of slave ships in a month-long journey across the Atlantic ocean known as the Middle Passage; and

Whereas, In September 1862, President Lincoln issued the celebrated Emancipation Proclamation, warning the rebellious Confederate states that he would declare their slaves “forever free” if those states did not return to the Union by January 1, 1863; and

Whereas, Enforcement of the Emancipation Proclamation occurred only in Confederate states that were under Union Army control; and

Whereas, On January 31, 1865, Congress passed the Thirteenth Amendment to the United States Constitution, abolishing slavery throughout the United States and its territories; and

Whereas, Spontaneous celebration erupted throughout the country when African Americans learned of their freedom; and

Whereas, Juneteenth, or June 19, 1865, is considered the date when the last slaves in America were freed when General Gordon Granger rode into Galveston, Texas, and issued General Order No. 3, almost two and one-half years after President Lincoln issued the Emancipation Proclamation; and

Whereas, For former slaves, the Juneteenth celebration was a time for reassuring each other, praying, and gathering remaining family members together. Juneteenth continued to be highly revered in Texas decades later, with many former slaves and descendants making an annual pilgrimage back to Galveston on this date; and

Whereas, Today, Juneteenth commemorates African-American freedom and emphasizes education and achievement. It is a day, a week, and in some areas, a month marked with celebrations, guest speakers, picnics, and family gatherings. It is a time for reflection and rejoicing. It is a time for assessment, self-improvement, and planning for the future; and

Whereas, Juneteenth symbolizes freedom, celebrates the abolishment of slavery, and reminds all Americans of the significant contributions of African Americans to our society; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby recognizes June 19 as Juneteenth Day; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Honorable Jill Upson, Executive Director, Herbert Henderson Office of Minority Affairs.

Which, under the rules, lies over one day.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 9, Continuing Licensed Racetrack Modernization Fund.

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

Senate Bill 10, Modifying racetrack licensing due date.

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 34, Creating exemption to state sales and use tax for rental and leasing of equipment.

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

Senate Bill 78, Relating to rehabilitative spousal support.

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 81, Relating generally to WV Uniform Trust Code.

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 126, Authorizing Department of Administration to promulgate legislative rules.

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

Senate Bill 140, Division of Rehabilitation Services rule relating to Ron Yost Personal Assistance Services Act Board.

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 156, Authorizing Department of Homeland Security to promulgate legislative rules.

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

Com. Sub. for Senate Bill 15, Relating generally to in-field master's degree.

And,

Com. Sub. for Senate Bill 216, Authorizing Department of Commerce to promulgate legislative rules.

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 Baldwin.

At the request of Senator Baldwin, and by unanimous consent, the Senate stood in observance of a moment of silence in recognition of the passing of Marvin Mann, father of the Honorable Kenny Mann, a former senator from the tenth district.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on February 13, 2021:

Senate Bill 3: Senator Grady.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills on February 13, 2021:

Senate Bill 3: Senator Maynard;

Senate Bill 6: Senator Maynard;

Senate Bill 278: Senators Phillips and Martin;

Senate Bill 279: Senators Rucker, Phillips, and Smith;

Senate Bill 280: Senators Plymale and Nelson;

Senate Bill 281: Senators Rucker and Smith;

Senate Bill 283: Senator Smith;

Senate Bill 286: Senators Plymale and Phillips;

Senate Bill 287: Senators Lindsay, Woelfel, and Caputo;

Senate Bill 288: Senators Lindsay and Caputo;

Senate Bill 289: Senators Lindsay and Caputo;

Senate Bill 291: Senators Lindsay, Woelfel, and Caputo;

And,

Senate Bill 292: Senators Lindsay, Woelfel, and Caputo.

At the request of Senator Takubo, unanimous consent being granted, leaves of absence for the day were granted Senators Plymale and Romano.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:10 a.m., the Senate adjourned until tomorrow, Tuesday, February 16, 2021, at 11 a.m.

TUESDAY, FEBRUARY 16, 2021

The Senate met at 11:01 a.m.

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

Prayer was offered by Ralph Coleman, Senate Assistant Doorkeeper, Big Chimney, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable John R. Unger II, a senator from the sixteenth district.

Pending the reading of the Journal of Monday, February 15, 2021,

At the request of Senator Roberts, 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, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2358—A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

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

Eng. House Bill 2359—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.

The Senate proceeded to the fourth order of business.

Senator Sypolt, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 66, Creating Voluntary WVU Rifle Team Check-Off Program on hunting and fishing licenses.

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

Com. Sub. for Senate Bill 66 (originating in the Committee on Natural Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-33c, relating to West Virginia University Rifle Team electronic application donation program; including solicitation for voluntary donation to West Virginia University Rifle Team on electronic application for hunting or fishing license; providing opportunity to designate donation in any amount; creating special account; establishing funding sources; specifying terms for expenditures; authorizing disbursements and administrative fee; and requiring annual reports.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Dave Sypolt,
Member.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Natural Resources.

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 272, Relating to WV Employment Law Worker Classification Act.

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

Com. Sub. for Senate Bill 272 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §21-5-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, §21-5I-4, §21-5I-5, and §21-5I-6; to amend and reenact §21A-1A-16 of said code; and to amend and reenact §23-2-1a of said code, all relating generally to creating the West Virginia Employment Law Worker Classification Act; creating a short title; making certain findings; defining terms; superseding certain existing statutory provisions relating to distinguishing independent contractors from employees; applying classification provisions to workers' compensation, unemployment compensation, wage payment and collection, and Human Rights Act matters; establishing classification criteria; setting forth limitations to applicability of the act; and providing for severability.

And,

Senate Bill 277, Creating COVID-19 Immunity Act.

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

Com. Sub. for Senate Bill 277 (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 §55-19-1, §55-19-2, §55-19-3, §55-19-4, §55-19-5, §55-19-6, §55-19-7, and §55-19-8, all relating generally to creating the COVID-19 Jobs Protection Act; designating a short title; making legislative findings; setting forth legislative purposes; defining terms; prohibiting certain claims against persons or entities arising from COVID-19, COVID-19 care, or impacted care; extinguishing liability for death or personal injury related to the design, manufacture, or labeling of supplies or personal protective equipment either sold or donated; creating an exception to the extinguishment of claims for persons having actual knowledge of a product defect acting with conscious, reckless, and outrageous indifference to a substantial and unnecessary risk or with actual malice, making workers' compensation the sole and exclusive remedy for COVID-19-related injuries or conditions through employment; providing for severability of provisions; adding retro activity of act to January 1, 2020; clarifying that no new cause of action is created nor defense limited by the act; and clarifying that the article does not affect duties or rights arising from contract.

With the recommendation that the two committee substitutes 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:

By Senator Maynard:

Senate Bill 298—A Bill to amend and reenact §19-25-2, §19-25-3, §19-25-4, §19-25-5, and §19-25-6 of the Code of West Virginia, 1931, as amended, all relating generally to limiting landowner liability for injuries to, or caused by, persons entering or going upon land for noncommercial recreational purposes, wildlife propagation purposes, military training purposes, law-enforcement training purposes, or homeland defense training purposes; clarifying that limitation on liability and duty to warn applies only to landowner permitting the general public to enter or go upon such land for recreational or wildlife propagation purposes; providing that a landowner is not liable for, and has no duty to warn of, dangerous or hazardous wild animals on the land; deleting obsolete language providing that a landowner does not confer invitee or licensee status on persons invited or permitted upon land; substituting the term “fee” for the term “charge”; defining the term “fee”; providing that for the purposes of limiting landowner liability, a fee does not include a fee for an annual event or occurrence, if the total of such fees in a year does not exceed \$25 per individual; providing that for the purposes of limiting landowner liability, a fee does not include voluntary donations to certain charitable entities; amending the term “land” to include premises; amending the definition of the term “owner of land” to specifically include any person holding legal possession, ownership, or partial ownership of an interest in land or a person sponsoring land or premises for volunteer improvement or maintenance purposes; amending the definition of the term “recreational purposes” to specifically include parking on or traversing land to engage in recreational activities and maintaining, or making improvements to, land for the purpose of making recreational activities accessible; naming the activities of rock climbing, bouldering, and kayaking as being activities within the definition of “recreational purposes”; and making numerous technical corrections.

Referred to the Committee on the Judiciary.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 299—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §11-16-6d and §11-16-11c; to amend and reenact §11-16-9 of said code; to amend said code by adding thereto two new sections, designated §19-2-13 and §19-2-14; to amend and reenact §60-1-5a of said code; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend said code by adding thereto a new section, designated §60-4-3c; to amend and reenact §60-6-8 of said code; to amend and reenact §60-7-2 and §60-7-6 of said code; to amend said code by adding thereto five new sections, designated §60-7-8b, §60-7-8c, §60-7-8d, §60-7-8e, and §60-7-8f; to amend and reenact §60-8-2, §60-8-3, §60-8-4, §60-8-18, and §60-8-29 of said code; to amend said code by adding thereto four new sections, designated §60-8-6c, §60-8-6d, §60-8-6e, and §60-8-32a; to amend said code by adding thereto a new article, designated §60-8A-1, §60-8A-2, §60-8A-3, §60-8A-4, §60-8A-5, and §60-8A-6; and to amend and reenact §61-8-27 of said code, all relating to creating the authority and license to deliver nonintoxicating beer or nonintoxicating craft beer with requirements, no additional fee for certain licensees, a license fee for third parties, and a nonintoxicating beer retail transportation permit with a fee and requirements; providing certain licensees with the authority for nonintoxicating beer or nonintoxicating craft beer outdoor dining and outdoor street dining; authorizing in-person or in-vehicle pick up of purchased food and nonintoxicating beer or nonintoxicating craft beer orders-to-go; creating an unlicensed brewer or home brewer temporary license for use at fairs and festivals, requirements, and a license fee; relating to the manufacture and sale of hard cider and wine by establishing the Agriculture Development Fund; establishing permitted expenditures from the Agriculture Development Fund; creating a new program to develop hard cider; providing for wine definitions; clarifying various aspects of wine, specifically the alcohol by volume percentage for table wine, wine, and fortified wine; adding the definition of “nonfortified dessert wine”; creating a private manufacturer club license for distilleries, mini-distilleries, micro-distilleries, wineries, and farm wineries, requirements, and a license fee;

authorizing distilleries, mini-distilleries, and micro-distilleries to also operate wineries, farm wineries, brewers, and resident brewers; authorizing wineries and farm wineries to also operate as distilleries, mini-distilleries, micro-distilleries, brewers, and resident brewers; creating a private direct shipper license, requirements, and license fee; authorizing the ability to premix alcoholic liquors, creating a permit, and permit fee per approved alcoholic beverage; creating private caterer license, requirements, and license fee; creating a private club bar license, requirements, and license fee; creating a private club restaurant license, requirements, and license fee; creating a private manufacturer club license, requirements, and license fee; authorizing a distillery, mini-distillery, or micro-distillery to also obtain a winery or farm winery license; authorizing a winery or farm winery to also obtain a distillery, mini-distillery, or micro-distillery license; creating a private tennis club license, requirements, and license fee; creating a private wedding venue or barn license, requirements, and license fee; creating a one-day charitable rare, antique, or vintage liquor auction license on a limited basis for charitable purposes, requirements, and license fee; creating a private multivendor fair and festival license, requirements, and license fee; creating private outdoor dining and private outdoor street dining areas as legally demarcated areas that are not a public place; authorizing and creating craft cocktail growlers, requirements, license fee, and a private cocktail delivery permit; authorizing in-person or in-vehicle pick up of purchased food and craft cocktail growler orders-to-go; clarifying penalties for failure to meet wine licensure requirements; replacing wine bond requirements that secure the payment of taxes by distributors, suppliers, certain wineries, and certain farm wineries, who are acting as either suppliers or distributors in a limited capacity, with an affidavit; providing penalties for failure to pay taxes and maintain good standing with the state; authorizing wineries and farm wineries to sell wine growlers, requirements, and no license fee; authorizing certain Class A and Class B licensees to sell wine growlers, requirements, and license fee; creating the authority and license to deliver wine with a private wine delivery license, requirements, no additional fee for certain licensees, a license fee for third parties, and a private wine retail transportation permit, requirements and a permit fee;

creating private wine outdoor dining and private wine outdoor street dining areas as legally demarcated areas that are not a public place; authorizing in-person or in-vehicle pick up of purchased food and wine orders-to-go; providing that there is no separate license required to manufacture and sell hard cider under certain conditions; providing for a hard cider distributor's license; providing for hard cider exemptions to the wine liter tax; establishing a hard cider gallon tax; providing for the application of West Virginia Tax Procedures and Administration Act and West Virginia Tax Crimes and Penalties Act to the hard cider gallon tax; providing for an internal effective date; providing for a tax credit against the hard cider tax; providing for applicability of other laws; requiring regular reports to the Tax Commissioner; providing for applications to import products necessary to manufacture hard cider under certain conditions; providing for hard cider sales for consumption; providing for complementary samples to be given; establishing requirements for complementary samples; permitting the sale of wine growlers; providing for wine growler requirements and fee, in certain circumstances; and providing additional exceptions to the criminal penalty for the unlawful admission of children to dance house for certain private clubs with approved age verifications systems.

Referred to the Committee on the Judiciary.

By Senator Ihlenfeld:

Senate Bill 300—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 Maynard:

Senate Bill 301—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-

3E-1, §16-3E-2, §16-3E-3, §16-3E-4, §16-3E-5, and §16-3E-6, all relating to informed consent for vaccinations; providing a short title; defining terms; prohibiting discrimination against patients for declining or delaying vaccines; establishing prohibited activities; creating rights for patients; and establishing monetary penalties and revocation of licensure for violations.

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

Senator Rucker offered the following resolution:

Senate Resolution 7—Recognizing pregnancy care centers for their dedication and commitment to assisting women, men, and families facing an unexpected pregnancy.

Whereas, The life-affirming impact of pregnancy care centers on the women, men, children, and communities they serve is considerable and growing; and

Whereas, Pregnancy care centers serve women in West Virginia and across the United States with integrity and compassion; and

Whereas, More than 2,500 pregnancy care centers across the United States provide comprehensive care to women and men facing unplanned pregnancies including resources to meet their physical, psychological, emotional, and spiritual needs; and

Whereas, Pregnancy care centers offer women free, confidential, and compassionate services including pregnancy tests, peer counseling, 24-hour telephone hotlines, childbirth and parenting classes, referrals to community health care, and other support services; and

Whereas, Many medical pregnancy care centers offer ultrasounds and other medical services; and

Whereas, Many pregnancy care centers provide information on adoption and adoption referrals to pregnant women; and

Whereas, Pregnancy care centers encourage women to make positive life choices by equipping them with complete and accurate information regarding their pregnancy options and the development of their unborn children; and

Whereas, Pregnancy care centers provide women with compassionate and confidential peer counseling in a nonjudgmental manner regardless of their pregnancy outcomes; and

Whereas, Pregnancy care centers provide important support and resources for women who choose childbirth over abortion; and

Whereas, Pregnancy care centers ensure that women are receiving prenatal information and services that lead to the birth of healthy infants; and

Whereas, Many pregnancy care centers provide grief assistance for women and men who regret the loss of their children from their past choices; and

Whereas, Many pregnancy care centers work to prevent unplanned pregnancies by teaching effective abstinence education in public schools; and

Whereas, Both federal and state governments are increasingly recognizing the valuable services of pregnancy care centers through the designation of public funds for such organizations; and

Whereas, Pregnancy care centers operate primarily through reliance on the voluntary donations and time of individuals who are committed to caring for the needs of women and promoting and protecting life; therefore, be it

Resolved by the Senate:

That the Senate recognizes pregnancy care centers for their dedication and commitment to assisting women, men, and families facing an unexpected pregnancy; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Pregnancy Center Coalition.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 4, Recognizing June 19 as Juneteenth Day.

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

At the request of Senator Rucker, 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 the resolution, the same was put and prevailed.

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Rucker regarding the adoption of Senate Concurrent Resolution 4 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 9, Continuing Licensed Racetrack Modernization Fund.

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

On the passage of the bill, the yeas were: Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Karnes, Lindsay, Maroney, Maynard, Nelson, Phillips, Plymale, Roberts,

Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—30.

The nays were: Azinger and Martin—2.

Absent: Jeffries and Woelfel—2.

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. 9) passed with its title.

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

Eng. Senate Bill 10, Modifying racetrack licensing due date.

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

On the passage of the bill, the yeas were: Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Karnes, Lindsay, Maroney, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—30.

The nays were: Azinger and Martin—2.

Absent: Jeffries and Woelfel—2.

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

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

Eng. Com. Sub. for Senate Bill 34, Creating exemption to state sales and use tax for rental and leasing of equipment.

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 34 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Woelfel—2.

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. 34) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2021.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Woelfel—2.

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. 34) takes effect July 1, 2021.

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

Eng. Senate Bill 78, Relating to rehabilitative spousal support.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 78) passed with its title.

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

Eng. Com. Sub. for Senate Bill 81, Relating generally to WV Uniform Trust Code.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Woelfel—2.

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. 81) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Woelfel—2.

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. 81) 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 126, Authorizing Department of Administration to promulgate legislative rules.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Woelfel—2.

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. 126) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Woelfel—2.

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. 126) takes effect from passage.

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

Eng. Senate Bill 140, Division of Rehabilitation Services rule relating to Ron Yost Personal Assistance Services Act Board.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 140) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Woelfel—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 140) 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 156, Authorizing Department of Homeland Security to promulgate legislative rules.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Woelfel—2.

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. 156) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Woelfel—2.

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. 156) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 15, Relating generally to in-field master's degree.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 216, Authorizing Department of Commerce to promulgate legislative rules.

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, unanimous consent being granted, the following bill on first reading was considered read a first time and ordered to second reading:

Com. Sub. for Senate Bill 14, Providing for additional options for alternative certification for teachers.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Lindsay, Smith, Romano, Tarr, and Plymale.

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

At the request of Senator Takubo, and by unanimous consent, the remarks by Senator Smith were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on February 15, 2021:

Senate Bill 13: Senator Takubo.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 15, 2021:

Senate Bill 2: Senator Swope;

Senate Bill 3: Senator Swope;

- Senate Bill 4:** Senator Swope;
- Senate Bill 5:** Senator Swope;
- Senate Bill 6:** Senator Swope;
- Senate Bill 7:** Senator Swope;
- Senate Bill 8:** Senator Swope;
- Senate Bill 11:** Senator Swope;
- Senate Bill 12:** Senator Swope;
- Senate Bill 14:** Senator Swope;
- Senate Bill 23:** Senator Swope;
- Senate Bill 24:** Senator Swope;
- Senate Bill 28:** Senators Swope and Takubo;
- Senate Bill 29:** Senator Swope;
- Senate Bill 30:** Senator Swope;
- Senate Bill 35:** Senator Swope;
- Senate Bill 38:** Senator Takubo;
- Senate Bill 39:** Senator Takubo;
- Senate Bill 51:** Senator Swope;
- Senate Bill 54:** Senator Swope;
- Senate Bill 55:** Senator Swope;
- Senate Bill 58:** Senators Swope and Jeffries;
- Senate Bill 59:** Senator Swope;

Senate Bill 66: Senators Swope, Jeffries, and Phillips;

Senate Bill 69: Senators Swope and Phillips;

Senate Bill 90: Senator Swope;

Senate Bill 100: Senator Swope;

Senate Bill 225: Senator Jeffries;

Senate Bill 228: Senator Jeffries;

Senate Bill 243: Senator Swope;

Senate Bill 263: Senator Caputo;

Senate Bill 268: Senator Jeffries;

Senate Bill 280: Senator Woelfel;

Senate Bill 287: Senator Jeffries;

Senate Bill 291: Senator Jeffries;

Senate Bill 292: Senator Jeffries;

Senate Bill 294: Senator Jeffries;

Senate Joint Resolution 2: Senators Woelfel and Jeffries;

Senate Concurrent Resolution 4: Senators Woelfel, Swope, Trump, Caputo, Roberts, and Phillips;

And,

Senate Resolution 6: Senators Lindsay and Jeffries.

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

Pending announcement of meetings of standing committees of the Senate, including a minority party caucus,

On motion of Senator Takubo, at 11:53 a.m., the Senate adjourned until tomorrow, Wednesday, February 17, 2021, at 11 a.m.

WEDNESDAY, FEBRUARY 17, 2021

The Senate met at 11 a.m.

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

Prayer was offered by the Honorable Bill Hamilton, a senator from the eleventh district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ryan W. Weld, a senator from the first district.

Pending the reading of the Journal of Tuesday, February 16, 2021,

At the request of Senator Grady, 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. Com. Sub. for House Bill 2001—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two

new sections, designated §11-21-12m and §11-21-25; to amend said code by adding thereto a new section, designated §11-24-10a; to amend said code by adding thereto a new article, designated §18-30A-1, §18-30A-2, §18-30A-3, §18-30A-4, §18-30A-5, §18-30A-6, §18-30A-7, §18-30A-8, §18-30A-9, §18-30A-10, §18-30A-11, §18-30A-12, §18-30A-13, §18-30A-14, §18-30A-15, and §18-30A-16, all relating generally to creating the West Virginia Jumpstart Savings Program; providing a short title; providing legislative findings; defining terms; requiring the program to be operable by a certain date; creating the West Virginia Jumpstart Savings Board; establishing requirements for board membership, appointment, and procedures; establishing the powers of the board; authorizing the board to promulgate legislative rules; establishing the duties and powers of the Treasurer related to the program; establishing the Jumpstart Savings Trust and Trust Fund and requirements for said fund; establishing the Jumpstart Savings Expense Fund and establishing requirements for said fund; authorizing the board to use financial organizations as program depositories and managers and providing requirements therefor; establishing requirements for opening a Jumpstart Savings account and making deposits to an account; providing requirements for distributions from an account; providing when distributions from an account are treated as income for taxation purposes; specifying expenditures of account distributions that are qualified expenses; allowing a personal income tax decreasing modification for certain contributions to an account; allowing a personal income tax decreasing modification for distributions from an account used for qualified expenses; allowing a tax credit against personal income tax or corporate net income tax for certain matching contributions to accounts of employees; allowing a personal income tax decreasing modification for a rollover of distributions from a college savings account to a Jumpstart Savings account; allowing a personal income tax decreasing modification for a rollover of distributions from a Jumpstart Savings account to a West Virginia ABLE account; providing reporting and auditing requirements for the Jumpstart Savings Program; authorizing certain training and educational entities and employers to share information with the board and the Treasurer related to program participation;

exempting certain personal information regarding program participants from disclosure under the state's Freedom of Information Act; limiting liability of the Treasurer related to the program; and requiring the board to promulgate certain legislative rules.

Referred to the Committee on Education.

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

Eng. Com. Sub. for House Bill 2005—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-29B-6; to amend said code by adding thereto a new article, designated §33-60-1, §33-60-2, §33-60-3, §33-60-4, §33-60-5, §33-60-6, §33-60-7, §33-60-8, and §33-60-9; to amend said code by adding thereto a new article, designated §33-61-1, and §33-61-2; and to amend said code by adding thereto a new article, designated §47-29-1, all relating to health care costs generally; requiring reports to the health care authority; providing for the regulation of out-of-state healthcare providers and non-network facility based providers; providing for the disclosures of a healthcare facility and the publication of a carrier's network; defining the responsibilities of a carrier inadvertent to out-of-state network services; providing for binding arbitration in the event of payment disputes; providing for healthcare savings cost calculations, violations and legislative rules; providing for price transparency and a publication of prices; and providing a cost of healthcare appointment prices.

Referred to the Committee on Health and Human Resources.

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 2006—A Bill to repeal §21-11-1, §21-11-2, §21-11-3, §21-11-4, §21-11-5, §21-11-6, §21-11-

7, §21-11-8, §21-11-9, §21-11-10, §21-11-10a, §21-11-11, §21-11-12, §21-11-13, §21-11-14, §21-11-15, §21-11-16, §21-11-17, §21-11-18, and §21-11-20 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-11A-3a of said code; to amend and reenact §5-22-1 of said code; to amend and reenact §21-1-3 of said code; to amend and reenact §21-3C-10a, §21-3C-10b, and §21-3C-11 of said code; to amend and reenact §21-9-2 and §21-9-9 of said code; to amend and reenact §21-11A-2 and §21-11A-4 of said code; to amend and reenact §21-16-4 of said code; to amend and reenact §21A-10-11 of said code; to amend said code by adding thereto a new article, designated §30-42-1, §30-42-2, §30-42-3, §30-42-4, §30-42-5, §30-42-6, §30-42-7, §30-42-8, §30-42-9, §30-42-10, §30-42-11, §30-42-12, §30-42-13, §30-42-14, §30-42-15, §30-42-16, §30-42-17, §30-42-18, §30-42-19, and §30-42-20, all relating to the West Virginia Contractor Licensing Act; providing for relocating the licensing of contractors from Chapter 21 to Chapter 30 of this code; providing a short title and declaration of policy with definitions; continuing the West Virginia Contractor Licensing Board, composition, terms, qualifications and appointment; administrative duties of board and legislative rules; providing for necessity for contractor license and exemptions; providing for procedure for licensing; providing for expiration date, fees and renewal of license; providing for revocation for unlawful use, assignment or transfer of license; providing for prerequisites to obtaining building permit and mandatory written contracts; providing for requiring informational list for basic universal design features; providing for injunction and criminal penalties for violation of article; providing for specific administrative duties of board and record keeping by the board; establishing authorization to grant reciprocity and to provide training to students who desire to obtain a West Virginia contractor license; providing for misdemeanor criminal penalties for violations of article; providing for limitations on municipalities, local governments, and counties from requiring a license to perform contractor work; providing for an exemption from a contractor license for residential work up to \$10,000 and commercial work up to \$50,000; providing for an exemption from a contractor license for a person performing landscaping and painting services; and providing for technical updates which

updates code references to contractors throughout this code to the correct code.

Referred to the Committee on Government Organization.

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 2012—A Bill to amend and reenact §18-5G-1, §18-5G-2, §18-5G-4, §18-5G-5, §18-5G-6, §18-5G-9, §18-5G-10, and §18-5G-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §18-5G-13, §18-5G-14, and §18-5G-15, all relating to public charter schools; providing for a liberal interpretation; prohibiting the conversion of private schools; prohibiting any sort of profit or monetary consideration by elected officials in relation to charter schools; limiting the authorization of public charter school; creating a process by which to appeal the authorizer's decision to the West Virginia Board of Education; creating virtual public charter schools in West Virginia; establishing the West Virginia Professional Charter School Board; providing for members, appointments, and meetings; and making technical improvements and corrections.

Referred to the Committee on Education.

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

Eng. House Bill 2262—A Bill to amend and reenact §60A-9-5 and §60A-9-5a of the Code of West Virginia, 1931, as amended, all relating to the controlled substances monitoring database; removing the requirement that a veterinarian monitor the controlled substance monitoring database; adding the requirement that a pharmacist licensed by the West Virginia Board of Pharmacy monitor the controlled substance database; and updating the code to reflect previous changes.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 2264—A Bill to amend and reenact §16-2D-2 and §16-2D-10 of the Code of West Virginia, 1931, as amended, all relating to exemptions for hospitals from certificate of need; defining terms; and exempting hospitals performing health services from certificate of need requirements.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

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

Your Committee on Education has had under consideration

Senate Bill 11, Declaring work stoppage or strike by public employees to be unlawful.

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

Com. Sub. for Senate Bill 11 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-45a, relating to declaring any work stoppage or strike by public employees to be unlawful; providing legislative findings; defining when a county board of education employee is considered to be participating in a concerted work stoppage or strike; prohibiting use of accrued and equivalent instructional time and delivery of instruction through alternative methods to cancel days lost due to a concerted work stoppage or strike; prohibiting a waiver by the state board for a county board of education's noncompliance with the employment and instructional term requirements if the noncompliance is the result of a concerted work stoppage or strike;

declaring participation in a concerted work stoppage or strike to be grounds for termination; requiring, if the employee remains employed, county boards of education to withhold the prorated salary or hourly pay of each employee participating in the concerted work stoppage or strike for each day the employee participates; requiring the sums to be forfeited to the county board of education; and prohibiting participation in extracurricular activities when an originally scheduled instructional day or noninstructional day is canceled due to a concerted work stoppage or strike.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 12, Relating to local health department accountability.

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

Com. Sub. for Senate Bill 12 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-2-2, §16-2-6, §16-2-7, §16-2-8, §16-2-9, and §16-2-11 of the Code of West Virginia, 1931, as amended, all relating to local health departments; creating definition; permitting members of the appointing authority to serve as nonvoting, ex officio members of the board; providing the nonvoting member shall not be counted against any other criteria for board membership; permitting appointing authority to remove local health department board

member; permitting appointing authority of combined board to remove their own appointed members; requiring rules adopted, promulgated, and amended by local boards of health have a public comment published in the State Register and the organization's web page; setting forth requirement for notice; requiring written comments received during comment period be presented to appointing authority for approval or disapproval in whole or in part within specified time frames; providing amendments or modifications not approved may be resubmitted; providing that a rule currently in effect is not subject to approval, unless amended, from the county commission or appointing authority; providing emergency rule approval or disapproval procedures within specified time frames; requiring that approved rules shall be filed with the clerk of the county commission or the clerk or the recorder of the municipality, or both, and shall be kept as public records; and requiring state health officer to develop policies and guidelines that each of the local departments must comply with when a statewide public health emergency is declared.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 69, Creating "Choose Life" special registration plate supporting adoption.

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

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Transportation and Infrastructure.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 244, Making it unlawful for public utility to prohibit customers from hiring contractors to construct, install, or maintain connections to public utility.

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

Com. Sub. for Senate Bill 244 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §24-3-2 of the Code of West Virginia, 1931, as amended, relating to preventing public water and sewer utilities from prohibiting a customer from constructing, installing, or maintaining a connection or other infrastructure necessary for the customer to connect to the public utility to receive service if certain requirements are met; and specifying requirements and involvement of the Public Service Commission.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles H. Clements,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 280, Relating to e-commerce modernization.

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

Com. Sub. for Senate Bill 280 (originating in the Committee on Government Organization)—A Bill to amend and reenact §12-3A-6 of the Code of West Virginia, 1931, as amended, relating generally to acceptance of electronic payments by state and local government entities; providing that costs associated with electronic payments collected by spending units may be invoiced in a commercially reasonable manner; defining a term; requiring political subdivisions to accept all payments electronically beginning on a certain date; permitting the Treasurer to exempt spending units from electronic payment requirement based on certain criteria; and authorizing legislative rules.

And,

Senate Bill 293, Clarifying that Economic Development Authority is not authorized to enter into banking contracts without State Treasurer approval.

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

Com. Sub. for Senate Bill 293 (originating in the Committee on Government Organization)—A Bill to amend and reenact §31-15-5 and §31-15-6 of the Code of West Virginia, 1931, as amended, all relating generally to the authority of the West Virginia Economic Development Authority to enter into certain contracts and agreements; providing that board may direct the executive director to enter into those contracts, agreements, and instruments that are necessary to carry out the statutory powers and

duties of the authority; and providing the authority is not authorized to enter into contracts or agreements with financial institutions for banking goods or services without the approval of the State Treasurer.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 295, Relating generally to economic development loans and loan insurance issued by state.

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

Com. Sub. for Senate Bill 295 (originating in the Committee on Government Organization)—A Bill to amend and reenact §12-6C-11 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §12-6C-11a; to amend and reenact §31-15-8 of said code; and to amend said code by adding thereto a new section, designated §31-15-8a, all relating generally to economic development loans and loan insurance issued by the state; clarifying provision stating that the Board of Treasury Investments has no fiduciary duty with regard to economic development loans administered by the Economic Development Authority; providing that the Board of Treasury Investments may inspect and copy, upon written notice, all records related to loans made available by the board to the Economic Development Authority and providing that such records shall not be considered public records and shall be exempt from disclosure

pursuant to the provisions of chapter 29B of the code; defining terms; limiting the total amount of loan moneys that the board shall make available to the authority for the Broadband Loan Insurance Program to \$80 million; establishing requirements that must be met before broadband loan insurance moneys will be made available to the authority; providing that the board shall maintain broadband loan insurance loan moneys in a separate account in the Consolidated Fund; providing that broadband loan insurance moneys may only be drawn upon in the event of a broadband provider default on an insured debt or security instrument; limiting the amount of loan insurance that the authority may award in a single year to a single broadband provider to \$20 million; clarifying that the authority may not deduct administrative or operational costs from broadband loan insurance loan moneys; setting forth requirements that must be met before the authority may draw on broadband loan insurance moneys in the event of a broadband provider's default; requiring the authority to submit quarterly reports to the Joint Committee on Government and Finance and to the Governor containing certain information related to its loan insurance program; requiring the authority to make application forms for broadband loan insurance publicly available on its website; establishing the minimum information an applicant for broadband loan insurance shall be required to submit to the authority; establishing minimum criteria that the authority must consider in its broadband loan insurance application review process; establishing that the authority may provide loan insurance for eligible broadband providers pursuant to awards made by federally funded broadband expansion programs; providing that the authority may not issue loan insurance to a broadband provider that has previously defaulted on any debt or security instrument insured by the authority; requiring the authority to post certain information regarding loan insurance agreements on its website; requiring the authority to adhere to certain accounting and record-keeping practices; requiring the authority to submit quarterly reports to the Board of Treasury Investments, the Joint Committee on Government and Finance, and the Governor containing certain information on insured loans and broadband projects financed by insured loans; requiring a biennial legislative audit of the

Broadband Loan Insurance Program; removing obsolete language; and making technical corrections.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
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:

By Senators Hamilton and Beach:

Senate Bill 302—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-11A-15, relating to unfair trade practices; prohibiting pricing goods and services on the basis of gender; authorizing the Attorney General to seek injunctions against offenders; and providing for civil fines and costs.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 303—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 may 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 regulates work stoppages, strike activity, or means by which employees organize; 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 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 may 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 the Judiciary.

By Senator Maynard:

Senate Bill 304—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-2-5, relating to requiring the Secretary of State to create and maintain an online database of religious organizations; providing effective date; requiring database contain certain information; and providing for annual update of database.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 305—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9t, relating to providing an exemption from the consumers sales and service tax for purchases of certain services and tangible personal property sold for the repair, remodeling, and maintenance of aircraft with an empty weight of 6,000 pounds or greater; defining terms; specifying a method for claiming exemption; authorizing emergency rules and promulgation of legislative rules; and establishing the effective date of the section.

Referred to the Committee on Finance.

By Senator Takubo:

Senate Bill 306—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 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 persons, their employees, or agents who retrieve an animal; and providing for criminal penalties.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 307—A Bill to amend and reenact §18B-10-1a of the Code of West Virginia, 1931, as amended, relating generally to in-state residency tuition rates; providing that nonresident members of a reserve unit in West Virginia qualify as residents for purposes of determining tuition rates; removing the requirement that members of the National Guard participate in the National Guard education services program; and providing that current members of the United States armed forces who reside in West Virginia qualify as residents for purposes of determining tuition rates.

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

By Senator Weld:

Senate Bill 308—A Bill to amend and reenact §29-22A-10b of the Code of West Virginia, 1931, as amended, relating to modifying the requirement that a racetrack must have participated in the West Virginia Thoroughbred Development Fund since January 1, 1999, or before in order for counties to receive two percent of the net terminal income where the video lottery terminals are located.

Referred to the Committee on Finance.

By Senator Weld:

Senate Bill 309—A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; creating the felony offense of aggravated cruelty to animals; providing a criminal penalty for the offense; and defining a term.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 310—A Bill to amend and reenact §3-1-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-10-8 of said code, all relating to providing for the nonpartisan elections of county prosecuting attorneys; requiring that nonpartisan elections of prosecuting attorneys commence in 2024; requiring a run-off election be held concurrently with the general election between the two highest vote getters in the nonpartisan election if no candidate receives a majority of votes cast; and providing that subsequent appointments to fill vacancies in office shall be nonpartisan.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 311—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-18-30, relating to the acquisition and disposition of certain real property by an urban development authority; prohibition on acquisition; and ability to exercise the right of first refusal of tax-delinquent properties.

Referred to the Committee on Economic Development.

By Senator Weld:

Senate Bill 312—A Bill to amend and reenact §15-2-24 of the Code of West Virginia, 1931, as amended, relating to allowing a name-based state and federal criminal history record check of each adult residing in a residence when, due to emergency, a minor child must be placed in home care due to the absence of parents or custodians.

Referred to the Committee on Health and Human Resources.

By Senator Jeffries:

Senate Bill 313—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to authorizing the year-round hunting of coyote by artificial light or any night vision technology.

Referred to the Committee on Natural Resources.

By Senator Jeffries:

Senate Bill 314—A Bill to amend and reenact §47-26-1, §47-26-2, and §47-26-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §47-26-2a, all relating to the regulation of pawnbrokers; removing an exception for certain transactions from the report required of all pawnbrokers; requiring all pawnbrokers to be equipped with certain surveillance equipment and signage effective January 1, 2022; prohibiting pawnbrokers from doing business with certain persons; prohibiting pawnbrokers from purchasing certain items or transacting with certain items from anyone; creating misdemeanor offenses for certain violations; and increasing the penalties for existing criminal offenses related to pawnbrokers.

Referred to the Committee on the Judiciary.

By Senator Jeffries:

Senate Bill 315—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, and §46A-6O-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 a 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 mechanisms 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 a 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; prohibiting certification of certain class action litigation; providing the court discretion to award plaintiff costs of the action, including reasonable attorney's fees; providing that plaintiff is not entitled to costs and attorney's 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 Senator Jeffries:

Senate Bill 316—A Bill to amend and reenact §8-10-2b of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-3-3c of said code; and to amend and reenact §62-4-17 of said code, all relating to eliminating the ability of a person's driver's license to be suspended for failure to pay court fines and costs.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 317—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-19-1, relating to providing protection from civil liability for certain individuals for damage to an owner's motor vehicle when

removing a domesticated animal from the locked and/or unattended motor vehicle under certain circumstances.

Referred to the Committee on the Judiciary.

By Senators Karnes and Takubo:

Senate Bill 318—A Bill to amend and reenact §36-8-9 of the Code of West Virginia, 1931, as amended, relating generally to public notice of unclaimed property held by the State Treasurer; eliminating the requirement that the Treasurer publish unclaimed property registry in newspapers; requiring the Treasurer to publish a searchable database of persons appearing to be the owners of unclaimed property, to be updated every six months; requiring the Treasurer to publish an annual advertisement regarding unclaimed property in a newspaper of general circulation in certain counties; and setting forth required content for said advertisement.

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

By Senator Jeffries:

Senate Bill 319—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-1-16 and §16-1-16a, all relating to social determinants of health; establishing the Minority Health Advisory Team, including its composition and duties; authorizing a Community Health Equity Initiative Demonstration Project; authorizing the Commissioner of the Bureau for Public Health to establish a Community Health Equity Initiative Demonstration Project; establishing eligibility requirements; providing for the administration of the demonstration project; establishing requirements for a demonstration project plan and the selection of communities for participation; establishing reporting requirements; and establishing the date on which the demonstration project terminates.

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

By Senator Jeffries:

Senate Bill 320—A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder resulting from an event that occurred during their employment; making findings; and defining terms.

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

By Senator Weld:

Senate Bill 321—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to clarifying and updating language regarding special license plates for Fairmont State alumni.

Referred to the Committee on Transportation and Infrastructure.

By Senator Nelson:

Senate Bill 322—A Bill to amend and reenact §21-5D-2 and §21-5D-4 of the Code of West Virginia, 1931, as amended, all relating generally to the payment of salary or wages under the Parental Leave Act.

Referred to the Committee on Government Organization.

By Senator Jeffries:

Senate Bill 323—A Bill to amend and reenact §20-1-17 of the Code of West Virginia, 1931, as amended, relating to prohibiting the Natural Resources Commission from establishing a bag limit for antlered deer at three or more.

Referred to the Committee on Natural Resources.

By Senator Jeffries:

Senate Bill 324—A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended, relating to clarifying municipal business and occupation taxation where business activity occurs in more than one location; defining terms to reflect

the changing national economy; and authorizing the Tax Commissioner to promulgate any necessary regulations.

Referred to the Committee on Finance.

By Senator Karnes:

Senate Bill 325—A Bill to repeal §17C-16-1, §17C-16-2, §17C-16-3, §17C-16-4, §17C-16-5, §17C-16-6, §17C-16-7, §17C-16-8, and §17C-16-9 of the Code of West Virginia, 1931, as amended, relating to mandatory state inspections of motor vehicles.

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

The Senate proceeded to the seventh order of business.

Senate Resolution 7, Recognizing pregnancy care centers for dedication to assisting women, men, and families facing unexpected pregnancy.

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 216, Authorizing Department of Commerce to promulgate legislative rules.

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

On the passage of the bill, the yeas were: Baldwin, Beach, Boley, Caputo, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope,

Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Azinger and Clements—2.

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. 216) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Baldwin, Beach, Boley, Caputo, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Azinger and Clements—2.

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. 216) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 14, Providing for additional options for alternative certification for teachers.

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 15, Relating generally to in-field master's degree.

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

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 66, Creating Voluntary WVU Rifle Team Check-Off Program on hunting and fishing licenses.

Com. Sub. for Senate Bill 272, Relating to WV Employment Law Worker Classification Act.

And,

Com. Sub. for Senate Bill 277, Creating COVID-19 Jobs Protection Act.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Jeffries, unanimous consent being granted, it was ordered that the Journal show had Senator Jeffries been present in the chamber on Tuesday, February 16, 2021, he would have voted "yea" on the passage of Engrossed Committee Substitute for Senate Bill 9, Engrossed Senate Bill 10, Engrossed Committee Substitute for Senate Bill 34, Engrossed Senate Bill 78, Engrossed Committee Substitute for Senate Bill 81, Engrossed Committee Substitute for Senate Bill 126, Engrossed Senate Bill 140, and Engrossed Committee Substitute for Senate Bill 156.

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

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on February 16, 2021:

Senate Bill 1: Senator Caputo;

And,

Senate Bill 293: Senator Weld.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 16, 2021:

Senate Bill 18: Senator Maroney;

Senate Bill 28: Senator Maroney;

Senate Bill 42: Senator Weld;

Senate Bill 55: Senator Maroney;

Senate Bill 56: Senator Maroney;

Senate Bill 60: Senator Maroney;

Senate Bill 69: Senator Maynard;

Senate Bill 83: Senator Maroney;

Senate Bill 280: Senator Jeffries;

Senate Bill 288: Senator Ihlenfeld;

Senate Bill 293: Senators Maynard and Martin;

Senate Bill 298: Senator Swope;

Senate Bill 300: Senator Romano;

Senate Bill 301: Senator Roberts;

Senate Concurrent Resolution 4: Senator Weld;

And,

Senate Resolution 7: Senators Maroney, Phillips, and Roberts.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:24 a.m., the Senate adjourned until tomorrow, Thursday, February 18, 2021, at 11 a.m.

THURSDAY, FEBRUARY 18, 2021

The Senate met at 11:01 a.m.

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

Prayer was offered by Jay Eckhart, Senate Fiscal Officer, Hurricane, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert H. Plymale, a senator from the fifth district.

Pending the reading of the Journal of Wednesday, February 17, 2021,

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

The Clerk presented the following communication from a state agency as required by the provisions of law:

Administrative Hearings, Office of (§17C-5C-2)

The Senate proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2011—A Bill to amend and reenact §29-6-4 of the Code of West Virginia, 1931, as amended, relating to eliminating any time requirements for temporary employees to work during a working year.

Referred to the Committee on Government Organization.

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 2019—A Bill to amend and reenact §5B-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5B-2-1, §5B-2-2, §5B-2-3, §5B-2-3b, §5B-2-4, §5B-2-4a, §5B-2-5, §5B-2-6, §5B-2-6a, §5B-2-9a, §5B-2-10, §5B-2-14, §5B-2-15, §5B-2-16, and §5B-2-17 of said code; to amend and reenact §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6, §5B-2I-7, and §5B-2I-8 of said code; to amend and reenact §5F-1-2 of said code; and to amend and reenact §5F-2-1 of said code, all relating to reorganizing and redesignating certain agencies of the Department of Commerce; clarifying the divisions that report to the cabinet secretary of the Department of Commerce; removing the West Virginia Development Office from the Department of Commerce and redesignating the West Virginia Development Office as the Department of Economic Development; removing reference to the Division of Energy under the Department of Commerce; removing the West Virginia Tourism Office from the Department of Commerce and redesignating the West Virginia Tourism Office as the Department of Tourism; removing the Tourism Commission

from the Department of Commerce and redesignating the Tourism Commission as the Tourism Advisory Council; redesignating the executive director of the Development Office as the secretary of the Department of Economic Development and providing for his or her appointment and term of office; providing that the Department of Economic Development will utilize existing resources of the Department of Commerce to the fullest extent practicable and efficient; providing that the Secretary of the Department of Economic Development may exempt employees from coverage under the state's classified service; providing that the Department of Economic Development is exempt from of §5A-3-1 *et seq.* of this code; redesignating the Development Office Promotion Fund as the Economic Development Promotion and Closing Fund and allowing further uses of such fund; redesignating the executive director of the Tourism Office as the secretary of the Department of Tourism and providing for his or her appointment and term of office; providing that the Department of Tourism will utilize existing resources of the Department of Commerce to the fullest extent practicable and efficient; providing that the Department of Tourism is exempt from §5A-3-1 *et seq.*; adding the Secretary of the Department of Economic Development to the membership of the Tourism Advisory Council; updating references to the secretary and Department of Economic Development; and updating references to the secretary and Department of Tourism.

Referred to the Committee on Finance.

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 2263—A Bill to amend and reenact 5-16-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-51-3, §33-51-8, and §33-51-9 of said code; and to amend said code by adding thereto a new section, designated §33-51-11, all relating generally to the regulation of pharmacy benefit managers; expanding certain definitions; regulating the reimbursements of pharmacy benefit managers; providing certain effective dates; defining certain methodologies utilized by

pharmacy benefit managers; protecting consumer choice for pharmacies; setting guidelines for pharmacy benefit plans; and requiring rebates to be passed on to the consumer.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 1, Providing for parity of payment for telehealth services between service in-person and service provided through telehealth platform.

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

Com. Sub. for Senate Bill 1 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §5-16-7b of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §9-5-28; to amend and reenact §30-1-26 of said code; to amend and reenact §30-3-13a of said code; to amend and reenact §30-14-12d of said code; and to amend and reenact §33-57-1 of said code, all relating to telehealth services; defining terms; requiring the Public Employees Insurance Agency, Medicaid, and specified insurance plans to reimburse for telehealth services at a negotiated rate for virtual telehealth encounters; requiring the Public Employees Insurance Agency, Medicaid, and specified insurance plans to provide reimbursement for a telehealth service on the same basis and at the same rate as if the service is provided in-person for established patients; requiring the Department of Health and Human Resources to file a Medicaid waiver; establishing a registration; permitting health care practitioners licensed in other states, in good standing, to practice in West Virginia using telehealth services and providing rule-making authority and

emergency rule-making authority; setting forth requirements for registration; permitting a fee for registration; placing a cap on the fee; permitting physician-patient relationship to begin with an audio-only call or conversation in real time; providing restrictions and exceptions on prescriptive authority; adding criteria to the standard of care related to telehealth services; and providing exceptions.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

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 61, Expanding Coyote Control Program through voluntary assessment on breeding cows.

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

Respectfully submitted,

Dave Sypolt,
Chair.

Senator Tarr, as chair of the Committee on Finance, requested unanimous consent to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Agriculture and Rural Development.

Which consent was not granted, Senator Baldwin objecting.

Thereafter, on motion of Senator Tarr, as chair of the Committee on Finance, the second committee reference of the bill (S. B. 61) contained in the foregoing report from the Committee on Agriculture and Rural Development was dispensed with.

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 275, Relating generally to WV Appellate Reorganization Act of 2021.

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

Com. Sub. for Senate Bill 275 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-2D-16a; to amend said code by adding thereto a new section, designated §23-1-1h; to amend and reenact §23-5-1, §23-5-3, §23-5-5, §23-5-6, §23-5-8, §23-5-9, §23-5-10, §23-5-11, §23-5-12, §23-5-13, §23-5-15, and §23-5-16 of said code; to amend said code by adding thereto twelve new sections, designated §23-5-1a, §23-5-3a, §23-5-5a, §23-5-6a, §23-5-8a, §23-5-8b, §23-5-9a, §23-5-10a, §23-5-11a, §23-5-12a, §23-5-13a, and §23-5-16a; 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, §51-11-13, and §51-11-14; and to amend and reenact §58-5-1 of said code, all relating generally to creating an Intermediate Court of Appeals; defining terms; providing that the Judicial Vacancy Advisory Commission assist initial and subsequent vacancies on the Intermediate Court of Appeals; clarifying meaning of quorum for Judicial Vacancy Advisory Commission; transferring jurisdiction over appeals of

decisions of the Health Care Authority in certificate-of-need reviews from the Workers' Compensation Office of Administrative Law Judges and Circuit Court of Kanawha County to the Intermediate Court of Appeals; establishing procedures and time frames for transfer or disposition of unresolved appeals pending with the Office of Judges; transferring jurisdiction over all workers' compensation claims and transferring all powers and duties related thereto from the Office of Judges to the Workers' Compensation Board of Review by a date certain; conferring appellate jurisdiction over Office of Judges decisions and Board of Review decisions to the Intermediate Court of Appeals after a date certain; sunsetting certain provisions relating to duties and procedures of the Office of Judges with respect to workers' compensation claims; modifying duties and procedures of Board of Review with respect to workers' compensation claims; terminating the Office of Judges by a date certain; authorizing the Board of Review to employ hearing examiners and other necessary personnel; establishing qualifications for hearing examiners hired by the Board of Review; setting forth powers of the Board of Review relating to workers' compensation claims; providing for reports requested by the Insurance Commissioner to be made by the chair of the Board of Review; providing for oversight and administrative authority of the Insurance Commissioner over the Board of Review; authorizing the Board of Review to promulgate procedural rules; granting due consideration and an interview to employees of the Office of Judges who apply for positions with the Board of Review on or before a date certain and directing the Board of Review that such consideration and interview prior to considering any other applicant; authorizing the Board of Review to hire attorneys as hearing examiners; requiring that all orders and decisions of the Board of Review pertaining to an objection be issued and signed by a single member of the Board of Review, with certain exceptions; permitting the board of review member assigned to an objection to delegate certain duties to a hearing examiner; establishing the administrative powers and duties of the Board of Review; increasing the limit on the annual salary of a Board of Review member; authorizing the board of review to promulgate rules of practice and procedure, and establishing a process therefor; establishing duties of the chair of the Board of

Review; providing that the administrative expenses of the Board of Review shall be included in annual budget of the Insurance Commissioner; providing that petitions for review of final decisions of the Workers' Compensation Board of Review must be made to the Intermediate Court of Appeals; establishing certain procedures and other requirements for appeals of Board of Review decisions made to the Intermediate Court of Appeals; providing that the Supreme Court of Appeals has discretion to review final decisions of the Intermediate Court of Appeals in workers' compensation claims; requiring that appeal of contested cases under the State Administrative Procedures Act be made to the Intermediate Court of Appeals; transferring jurisdiction to review family court final orders from circuit courts to the Intermediate Court of Appeals; creating an Intermediate Court of Appeals in West Virginia to be established and operable by a date certain; providing a short title; providing legislative findings; defining terms; establishing and defining two districts of the Intermediate Court of Appeals; requiring each district of the Intermediate Court of Appeals to conduct proceedings as a three-judge panel; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; providing for the location of proceedings of the Intermediate Court of Appeals; excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing that parties to an appeal in the Intermediate Court of Appeals shall have an opportunity for a full and meaningful review on the record of the lower tribunal and an opportunity to be heard; establishing a procedure by which parties to an appeal in the Intermediate Court of Appeals may file a motion for direct review of an appeal by the Supreme Court of Appeals in certain extraordinary circumstances; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing a process for initial appointment of judges to the Intermediate Court of Appeals to fill vacancies in the Intermediate Court of Appeals upon its creation; providing for an initial election of judges to the Intermediate Court of Appeals for staggered terms; providing for the regular election of a judge to each district of the Intermediate Court of Appeals upon the expiration of a sitting judge's term; establishing a procedures for the filling of vacancies in unexpired judicial terms by appointment and in certain circumstances, subsequent election; providing that

the Governor's judicial appointments must be made from a list of candidates submitted by the Judicial Vacancy Advisory Commission and are subject to advice and consent of the Senate; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected public office during the judicial term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; 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 and related filings be filed with the Clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings shall take place in publicly available facilities as arranged by the Administrative Director of the Supreme Court of Appeals; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the Administrative Director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations; providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for lower courts; providing that the Intermediate Court of Appeals shall issue written decisions as a matter of right; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; providing internal effective dates; removing obsolete language from the code; and making technical corrections to the code.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The bill (Com. Sub. for S. B. 275), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2358, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act.

And,

Eng. House Bill 2359, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, Engrossed Committee Substitute for House Bill 2358 contained in the preceding report from the Committee on Finance

was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 2358) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2358) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2358) takes effect from passage.

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

At the request of Senator Takubo, unanimous consent being granted, Engrossed House Bill 2359 contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. 2359) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2359) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2359) takes effect from passage.

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

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills and joint resolutions were considered introduced, read by their titles, and referred to the appropriate committees:

By Senator Karnes:

Senate Bill 326—A Bill to amend and reenact §5-10-2 and §5-10-52 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-10-56; and to amend said code by adding thereto a new section, designated §18-7A-17c, all relating to retirement and pension benefits of certain members of the West Virginia Public Employees Retirement System and the West Virginia Teachers Retirement System who serve in the Legislature or in other part-time positions; and providing that persons who first become members of the retirement system after December 1, 2021, through election, reelection, or appointment to the Legislature, or certain other positions, shall receive one fourth of a year of service credit for each full year of service in the Legislature or other part-time position.

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

By Senator Karnes:

Senate Bill 327—A Bill to amend and reenact §5-10-29 and §5-10-32 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-7 of said code; to amend and reenact §8-22A-8 of said code; to amend and reenact §15-2-26 of said code; to amend and reenact §15-2A-5 of said code; to amend and reenact §16-5V-8 of said code; to amend and reenact §18-7A-14 of said code; and to amend and reenact §51-9-2 and §51-9-4 of said code, all relating to establishing a pension contribution holiday for plans administered by the Consolidated Public Retirement Board when funding for certain public retirement plans.

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

By Senator Karnes:

Senate Bill 328—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-12b, relating to collecting and analyzing statistical information pertaining to termination of pregnancies under the West Virginia Medicaid Program; declaring legislative objectives; requiring the submission of reporting forms by providers; providing for patient confidentiality; specifying required information; providing for the collection and aggregation of data; permitting access to de-identified data; and requiring the creation of analytical reports.

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

By Senator Karnes:

Senate Bill 329—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-22-26, relating to outdoor advertising regulated by the Commissioner of Highways; providing exemption to licensing requirement for a person to place signs, displays, or devices advertising events to be held no more frequently than once a year at locations other than where the event will be held; establishing the Temporary Sign Placement License Program; and requiring rulemaking.

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

By Senator Karnes:

Senate Bill 330—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-8-36, relating to allowing grocery stores to sell a certain amount of West Virginia-made wine without having a license to sell wine or liquor.

Referred to the Committee on the Judiciary.

By Senator Karnes:

Senate Bill 331—A Bill to amend and reenact §17C-6-2 of the Code of West Virginia, 1931, as amended, relating to the establishment of an 80 miles per hour speed limit on interstate

highways and four-lane limited access highways in this state; and providing an exception for portions of those highways passing through city limits.

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

By Senator Karnes:

Senate Bill 332—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-11A-1, §3-11A-2, §3-11A-3, §3-11A-4, and §3-11A-5, all relating to providing procedures for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America; defining terms; directing Legislature to establish committee of correspondence for Article V convention; authorizing participation by delegates in Article V convention only when each state has equal vote; setting forth delegate duties and responsibilities; setting forth oath for candidate for delegate or alternate; designating delegates and alternates as public officials and subject to West Virginia Governmental Ethics Act; providing for immediate recall of delegate casting unauthorized vote and replacement with alternate; directing Legislature to certify certain information to Article V convention; making violation of delegate's oath a felony; and providing criminal penalties for violation of a delegate's oath.

Referred to the Committee on the Judiciary.

By Senator Karnes:

Senate Bill 333—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3, §5-11C-4, and §5-11C-5, all relating to establishing the West Virginia Freedom of Conscience Protection Act; ensuring that, in all cases where state action burdens the exercise of religion, strict scrutiny is applied; providing a claim or defense to a person or persons whose exercise of religion is burdened by state action; providing a short title; providing definitions; and addressing applicability, construction, remedies, and severability.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 334—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, §16-63-4, §16-63-5, §16-63-6, §16-63-7, §16-63-8, §16-63-9, and §16-63-10, all relating to harm reduction programs; creating definitions; establishing licensure application process for harm reduction programs; setting forth prohibition on the receipt of state funds; creating program requirements; establishing revocation process; setting forth the reconsideration process; setting forth the administrative due process provision; providing for administrative and judicial appeal; establishing reporting requirements and renewal provisions; providing for immunity and cost recoupment for businesses; and establishing civil penalties, criminal penalties, and injunctive relief.

Referred to the Committee on Health and Human Resources.

By Senator Nelson:

Senate Bill 335—A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to making PROMISE scholarships available for students pursuing certificates or degrees through an accredited community and technical college education program.

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

By Senator Smith:

Senate Bill 336—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-15-24; and to amend said code by adding thereto a new section, designated §61-3-45b, all relating to nonferrous metal sales and transportation to a secondary recycler; providing for definitions; providing for permits for secondary metals recyclers; providing that employees of an entity holding a permit do not need a separate permit; providing for permit requirements for fixed sites;

providing for permit requirements for nonfixed sites; providing for the Department of Environmental Protection to develop an application and permit; providing for a \$200 permit fee for secondary metals recyclers; providing that a permit is valid for 24 months; providing for a permit for persons or entities to transport nonferrous metals over the highways; providing that employees of an entity do not need a separate permit; providing for no initial permit fee; providing for a \$10 fee for a replacement permit for a lost or destroyed original permit; providing for record retention criteria of all transportation permits issued; providing that a transportation permit is valid for two years; providing for denial, revocation, or suspension of a permit for violations of law; providing for penalties for permit violations; providing that only secondary metals recyclers can purchase nonferrous metals from persons or entities with a valid permit; providing that secondary metals recyclers shall retain records of all purchases of nonferrous metals; providing for record retention criteria; providing for record retention of at least one year; providing for limitations on secondary metals recyclers purchasing nonferrous metals through cash transactions; providing for a \$25 limit on cash transactions; providing for a required sign to be displayed at all secondary metals recyclers locations where nonferrous metals are accepted for purchase; providing for penalties when a secondary metals recycler violates certain provisions; providing for limitations on selling nonferrous metals; providing for penalties for sellers violating certain provisions relating to selling nonferrous metals; providing for revocation of permits for secondary metals recyclers and sellers violating certain provisions of purchasing or selling nonferrous metals; providing for limitations for secondary metals recyclers to accept nonferrous metal sales from persons or entities without a valid transportation and sales permit; providing for holds placed on stolen nonferrous metals; providing for law enforcement to provide written notification to a secondary metals recycler relating to stolen nonferrous metals; providing that the notice shall identify the potentially stolen nonferrous metals; providing for a 15 calendar day hold for the secondary metals recycler to retain the nonferrous metals as provided in the written notice from law enforcement; providing for an extended hold issued after 15 calendar days by law enforcement; providing that law enforcement provide written

notice to the secondary metals recycler relating to allegedly stolen nonferrous metals; providing for 30 calendar days for an extended hold of allegedly stolen nonferrous metals by the secondary metals recycler; providing for automatic release of any holds on a secondary metals recycler at the conclusion of a hold or extended hold by law enforcement if no order has been received to retain the nonferrous metals by a court; providing for limitations on transporting nonferrous metals on the highways of this state without a valid permit; providing for penalties for violating transportation requirements; providing for revocation of a permit for violating transportation requirements; providing for acceptable forms of identification; providing for exemptions from required permits to obtain, transport, or sell nonferrous metals to a secondary metals recycler; providing for preemption of other laws, rules, or regulations by any county or municipality; providing that any county or municipality may enact ordinances relating to the sale, transport, or purchase of nonferrous metals under certain conditions; providing for criminal offenses; providing for additional criminal offenses for illegally obtaining nonferrous metals; providing for penalties to property damage when the damage is below \$5,000; providing for penalties for property damage when the damage is greater than or equal to \$5,000; providing for penalties when another person receives a great bodily injury during the course of illegally obtaining nonferrous metals; providing for penalties when illegally obtaining nonferrous metals results in the death of a person; providing for penalties for disruption of communication or electrical services to more than 10 people; providing for revocation of a permit when the permittee is convicted of illegally obtaining nonferrous metals; providing for no civil liability for the owner of real or personal property for any injury sustained by a person attempting to or obtaining nonferrous metals illegally; providing for no civil liability for the owner or real or personal property for any injury caused by dangerous conditions to a person attempting to or obtaining nonferrous metals illegally; providing that no duty of care is expected of an owner of real or personal property to persons attempting to or obtaining nonferrous metals illegally; and providing for rule-making authority.

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

By Senators Rucker, Boley, Clements, Grady, Hamilton, Maynard, Phillips, Roberts, Smith, Stover, Sypolt, Tarr, and Woodrum:

Senate Bill 337—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, §16-2Q-2, and §16-2Q-3, all relating to the right to life guaranteed to all human beings; and providing definitions.

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

By Senator Maynard:

Senate Bill 338—A Bill to amend and reenact §15A-11-11 of the Code of West Virginia, 1931, as amended, relating to creating the Fire Service Equipment and Training Fund; restricting the use of grant funds to specified purposes; specifying disposition of grant funds remaining in the fund at the end of the fiscal year; requiring the Fire Commission to establish an equipment and training grant program for volunteer and part-volunteer companies based upon certain circumstances; specifying the criteria the State Fire Marshal shall consider when making grants; authorizing the Fire Commission to propose emergency legislative rules and legislative rules; requiring the Legislative Auditor notify the Fire Commission of any volunteer or part-volunteer department that is ineligible to receive grant funds; and requiring that volunteer or part-volunteer department or companies are ineligible until the Legislative Auditor informs the Fire Commission that the company or department has come into compliance.

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

By Senator Sypolt:

Senate Bill 339—A Bill to amend and reenact §19-19-2 and §19-19-7 of the Code of West Virginia, 1931, as amended, all relating to the right to farm; defining terms; expanding protection

of agricultural operations from nuisance and other legal actions to agricultural and horticultural practices allowed within municipalities, aquaponics, and hydroponics; requiring compliance with local laws, regulations, and ordinances for protection from nuisance and other legal actions to apply; and making technical changes.

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

By Senator Sypolt:

Senate Bill 340—A Bill to amend and reenact §3-1-31 of the Code of West Virginia, 1931, as amended, relating to requiring all local special levies elections to be held on the days and hours of general or primary or state elections; and providing an exception for run-off elections.

Referred to the Committee on the Judiciary.

By Senator Grady:

Senate Bill 341—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-27, relating to requiring, for an official or unofficial school-sanctioned athletic or sporting event, that each athlete's participation in the athletic or sporting event be based on the athlete's biological sex as indicated on the athlete's original birth certificate issued at the time of birth; providing a revised designation for sporting events; and providing a means by which civil actions can be taken.

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

By Senator Karnes:

Senate Bill 342—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-28-8, relating to allowing any private, parochial, or church school with an enrollment of 25 or fewer students to operate as a nonpublic micro-school; requiring micro-school to be governed by

a governing board; requiring annual notification to the county board of operation as a micro-school; declaring that attendance at a micro-school complying with certain requirements satisfies compulsory school attendance; requiring annual academic assessment of students; requiring micro-school to provide certain information to the county superintendent upon request; requiring attendance and academic records for each student to be made and maintained; imposing certain requirements on micro-schools pertaining to curriculum objectives, the provision of an instructional program, and the provision of an individualized progress report; setting forth consequences for composite test and portfolio assessment results falling below the fourth stanine; requiring any child enrolled in a micro-school that fails to meet certain requirements to satisfy homeschool exemption requirements; and declaring that no micro-school meeting certain requirements is subject to any other law relating to education.

Referred to the Committee on Education.

By Senator Weld:

Senate Bill 343—A Bill to amend and reenact §17B-2-13 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to transact a change of address online for a driver's license or identification card.

Referred to the Committee on Transportation and Infrastructure.

By Senator Weld:

Senate Bill 344—A Bill to amend and reenact §11-21-8a of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-24-23a of said code, all relating to the credit for qualified rehabilitated buildings investment; eliminating the termination date of the tax credit; eliminating the maximum allowable amount of the tax credit; and making technical modifications.

Referred to the Committee on Finance.

By Senator Weld:

Senate Bill 345—A Bill to amend and reenact §17C-5A-3a of the Code of West Virginia, 1931, as amended, relating to expansion of the alcohol test and lock program to offenders with a drug-related offense; authorizing the commissioner to require drug testing; authorizing deferral of the revocation period for a participant with a drug offense; and authorizing an offender of §17B-4-3 to participate in the motor vehicle alcohol and drug test and lock program.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 346—A Bill to amend and reenact §17A-2-19 of the Code of West Virginia, 1931, as amended, relating to the Division of Motor Vehicles use of electronic means and other alternate means to provide notice.

Referred to the Committee on Transportation and Infrastructure.

By Senator Weld:

Senate Bill 347—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-7-9, relating to allowing private club licensees that are licensed to sell alcoholic liquors, beer, and wine, to sell alcoholic beverages by the drink to their members and their guests for carryout and consumption off the licensed premises; prescribing requirements for alcoholic beverage containers; providing that drinks for carryout furnished in compliance with this section may not be deemed an open container.

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 348—A Bill to amend and reenact 18-8-1a of the Code of West Virginia, 1931, as amended, relating to requirements for compulsory school attendance; providing that parent and guardian make determination to remove child from kindergarten

program; allowing enforcement of compulsory school attendance against anyone required to attend school; allowing students who attend certain Montessori programs enroll in first grade without further placement testing; and requiring out-of-state students be placed in the grade from which they transferred.

Referred to the Committee on Education.

By Senator Tarr:

Senate Bill 349—A Bill to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-2-18, all relating to the state and local boards of health; specifying instances when agents or employees may enter a private business; limiting signage, markings, or notices; making improper entry a crime; providing for criminal penalties and fines; providing for remedies by business owner; limiting powers of the executive through executive order; limiting powers of governmental entities; and limiting powers of counties and municipalities through local ordinances.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 350—A Bill to amend and reenact §7-18-3 and §7-18-4 of the Code of West Virginia, 1931, as amended, all relating to taxation of hotel rooms booked through a marketplace facilitator; defining “marketplace facilitator”; providing for collection and remittance of the hotel occupancy tax imposed by any municipality or county by certain marketplace facilitators; making marketplace facilitators satisfying certain economic nexus requirements responsible for collection and remittance of the tax imposed by any county or municipality; requiring the marketplace facilitator to separately state the tax on all bills, invoices, accounts, books of account, and records relating to consideration paid for the occupancy or use of a hotel room; deeming all taxes collected be held in trust by the marketplace facilitator until remitted; and permitting marketplace facilitators and hotels or hotel operators to enter into agreements regarding fulfillment of certain requirements.

Referred to the Committee on Government Organization.

By Senators Karnes, Grady, Rucker, Woodrum, Swope, and Stover:

Senate Bill 351—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, and §5-30-5, all relating to state contracts; declaring Israel a prominent trading partner; prohibiting state contracts without certain written certification; prohibiting adoption of procurement, investment, or other policy that requires a person to boycott the government of Israel; authorizing approval of contracts and waiving of applications; and defining terms.

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

By Senator Jeffries:

Senate Bill 352—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-16a, relating to creating the offenses of conversion of leased or rented personal property; establishing the elements of the offenses; creating exceptions; and establishing and setting criminal penalties.

Referred to the Committee on the Judiciary.

By Senators Tarr, Azinger, Boley, Clements, Grady, Hamilton, Karnes, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Stover, Sypolt, Takubo, Weld, and Woodrum:

Senate Bill 353—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-7B-1, §61-7B-2, §61-7B-3, §61-7B-4, and §61-7B-5, all relating to creating the Second Amendment Preservation Act; stating legislative findings; prohibitions; penalties; and providing for severability.

Referred to the Committee on the Judiciary.

By Senator Swope:

Senate Bill 354—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1, §9-11-2, and §9-11-3, all relating to providing reforms to the state's Medicaid procedures by tightening hospital presumptive eligibility; mitigating the damage from federal Maintenance-of-Effort handcuffs; and enhancing Medicaid program integrity.

Referred to the Committee on Health and Human Resources.

By Senator Trump:

Senate Bill 355—A Bill to amend and reenact §15-5-6 of the Code of West Virginia, 1931, as amended, relating to the emergency powers of the Governor; and providing that such emergency power shall be terminated by either the proclamation of the Governor or by the passage of a concurrent resolution by the Legislature terminating the state of emergency.

Referred to the Committee on the Judiciary.

By Senator Grady:

Senate Bill 356—A Bill to amend and reenact §18-6-3 of the Code of West Virginia, 1931, as amended, relating to allowing the written part of the operator's license examination to be given in school driver's education courses.

Referred to the Committee on Education.

By Senator Sypolt:

Senate Bill 357—A Bill to amend and reenact §19-1-3a and §19-1-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-1C-2, §19-1C-3, §19-1C-4, §19-1C-5, and §19-1C-6 of said code; to amend said code by adding thereto a new section, designated §19-1C-7; to amend and reenact §19-9A-2 of said code; to amend and reenact §19-12A-5 of said code; to amend and reenact §19-14-1, §19-14-2, §19-14-3, §19-14-5, §19-14-6, §19-14-7, §19-14-8, §19-14-9, §19-14-10, §19-14-11, §19-14-12, and §19-14-14 of said code; to amend said code by adding thereto a new section, designated §19-14-16; to amend and reenact §19-

21A-1, §19-21A-3, §19-21A-4, and §19-21A-8 of said code; to amend and reenact §19-25-1, §19-25-2, and §19-25-5 of said code; to amend and reenact §19-31-1 of said code; to amend and reenact §19-35-1, §19-35-2, §19-35-3, §19-35-4, §19-35-5, and §19-35-6 of said code; to amend said code by adding thereto two new sections, designated §19-35-3a and §19-35-3b; to amend and reenact §19-37-2 of said code; and to amend said code by adding thereto a new article, designated §19-38-1, §19-38-2, §19-38-3, §19-38-4, and §19-38-5, all relating to the 2021 Farm Bill; eliminating requirement that certain duties of the department rest in a particular division; clarifying that raw milk can be sold for purposes other than human consumption; defining terms related to the care of livestock; reorganize Livestock Care Standards Board as an advisory board to the commissioner; direct commissioner to select members for advisory board; requiring certain constituencies be represented; modify duties of advisory board; granting commissioner authority to promulgate certain legislative rules after consultation with advisory board; classifying complaints and related communications regarding inhumane treatment of livestock as confidential and exempt from disclosure under the Freedom of Information Act; providing for reimbursement and compensation of advisory board members; requiring annual meetings of the advisory board; directing department of agriculture to administer and enforce established standards; defining the scope of said administration and enforcement; eliminating fee for permit to feed untreated garbage to swine; removing outdated language regarding procedures for leasing of farmland; authorizing the cancellation of certain leases; amend name of West Virginia Commercial Feed Law; define terms related to commercial feed; modify the powers and duties of the commissioner; eliminate requirement to publish annual composite report; eliminating specific fee language in statute; modifying application deadlines and timelines and permit expiration dates; defining requirements for individuals to possess Commercial Feed Manufacturing Permit, Commercial Feed Distributor Permit, and Commercial Feed Interstate Permit; establishing registration requirements for pet food and specialty pet food; identifying situations in which commissioner may refuse to grant, suspend, or revoke permits; providing opportunities for applicants, permittees or registrants to amend application and

appeal adverse determinations; establishing labeling requirements; establishing certain inspection and registration fees and requirements; authorizing the commissioner to inspect certain tonnage records; defining adulteration of commercial feed or feed ingredients; defining misbranding of commercial feed; make technical modifications; define additional prohibited acts; establish requirements for distribution of raw milk as commercial feed; authorize establishment of analytical variation regulations; authorize penalties for excessive deviations; provide for penalties to be returned to purchasers where possible; authorize late payment penalties; expanding scope of authority for West Virginia Conservation Agency and State Conservation Committee to address water quality issues; defining terms related to conservation; expand duties and powers of State Conservation Committee; expanding scope of authority for conservation districts; limiting liability of landowner who invites or permits persons to enter for agricultural purposes; defining agricultural purposes; clarifying ownership of Guthrie Center; stating legislative findings and purpose; defining terms related to farmers markets and cottage foods; eliminating certain definitions; establishing requirements for farmers market registration; providing that registration be conspicuously displayed; clarifying that farmers markets are not required to obtain food establishment permit; providing for department to establish sampling regulations; authorizing enforcement actions against non-compliant farmers markets; establishing requirements for farmers market vendor permits; clarifying that farmers market vendors are not required to obtain food establishment permit; exempting certain vendors from obtaining vendor permit; authorizing department to establish conditions and procedures for issuance of vendor permits; authorizing inspections as a condition of issuing vendor permits; requiring vendor permits be displayed in a conspicuous manner; authorizing enforcement action against non-compliant farmers market vendors; clarifying role of local health departments in farmers markets; prohibiting local health department from requiring food establishment permits for farmers markets or vendors; authorizing certain actions by local health departments at farmers markets; requiring all actions by local health departments at farmers markets to be done in consultation with department of

agriculture; directing department to promulgate rules; eliminating requirement to consult with department of health and human resources; establishing requirements for regulation of potentially hazardous foods; requiring vendors of potentially hazardous foods to obtain vendor permit; directing department to establish requirements for obtaining vendor permits; eliminating certain labeling requirements; establishing requirements for sale of nonpotentially hazardous foods; expanding permissible kitchens for nonpotentially hazardous foods to include farm, community, or commercial kitchens; expanding West Virginia Fresh Food Act to include milk and other dairy products, expanding West Virginia Fresh Food Act to include other foods grown, produced, or processed by in-state producers; directing commissioner to establish criteria for food or food products to satisfy in-state requirement; directing commissioner to establish criteria for determining when exception or exemption should be granted to state institutions; requiring Purchasing Division to ensure that all contracts related to the purchase of food include provisions to ensure compliance with Fresh Food Act; establishing Agriculture Investment Program; setting forth legislative findings and purpose; defining terms related to the Agriculture Investment Fund; establishing fund in State Treasury; defining source of funds and permissible expenditures from fund; authorizing West Virginia Agriculture Investment Program; providing for program administration; authorizing either grants or loans from the fund; establishing certain criteria for awarding grants or loans; authorizing commissioner to establish committee to assist in program administration; and directing commissioner to propose legislative rules for program.

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

By Senator Tarr:

Senate Bill 358—A Bill to amend and reenact §29-22A-9 of the Code of West Virginia, 1931, as amended, relating to removing the prohibition on having automated teller machines in the area where racetrack video lottery machines are located; and making technical corrections.

Referred to the Committee on Finance.

By Senator Sypolt:

Senate Bill 359—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-4-17, relating to law enforcement making reasonable attempt to contact landowner when an accident occurs that damages a fence that could contain livestock.

Referred to the Committee on Agriculture and Rural Development.

By Senator Stover:

Senate Bill 360—A Bill to amend and reenact §3-1-30 and §3-1-44 of the Code of West Virginia, 1931, as amended, all relating to authorizing poll clerks to work and be compensated for both full and half days worked during an election.

Referred to the Committee on Government Organization.

By Senator Karnes:

Senate Joint Resolution 5—Proposing an amendment to the Constitution of the State of West Virginia, amending article III thereof, by adding thereto a new section, designated section 23, relating to the right to farm and ranch; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

By Senator Sypolt:

Senate Joint Resolution 6—Proposing an amendment to the Constitution of the State of West Virginia, amending article III thereof, by adding thereto a new section, designated section 22, relating to the right of farmers and agricultural producers to engage in modern agricultural practices; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

By Senator Trump:

Senate Joint Resolution 7—Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section one-d, relating generally to ad valorem taxation and assessment of tangible personal property; authorizing the Legislature to exempt one or more species of tangible personal property from taxation; authorizing the Legislature to reduce the rate of taxation or assessment for one or more species of tangible personal property; authorizing different statewide rates of taxation, statewide rates of assessment, and statewide methods of valuation for different species of tangible personal property; clarifying that the Legislature and levying bodies remain subject to constitutional limits on rate of taxation and assessment; authorizing the Legislature to classify property as real or personal for taxation purposes; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senator Karnes offered the following resolution:

Senate Concurrent Resolution 5—Urging Congress call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

Whereas, Article IV, Section 4 of the Constitution of the United States guarantees to every state a Republican form of government which gives each state equal standing when calling for an amendments convention. Article V of the Constitution of the

United States reserves to the several states the right to call for a convention for the purpose of amending the United States Constitution when Congress or the courts or both Congress and the courts refuse to address an egregious wrong suffered by the people; and

Whereas, The states alone have the authority to “limit” the agenda and authority of a convention. The states alone can call for a “Single Issue” convention by agreeing among themselves the purpose, terms, conditions, duration, and agenda for the convention. Congress does not have the authority to define a “Single Issue” convention. The authority of Congress, under Article V of the United States Constitution empowers it to convene a convention as called for and defined by several states; and

Whereas, The founders of our Constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government which has created a crushing national debt through improper and imprudent spending; and

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent, and the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

Whereas, It is the solemn duty of the states to protect the liberty of our people—particularly for the generations to come—by proposing amendments to the Constitution of the United States through a convention of the states under Article V for the purpose of restraining these and related abuses of power; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges Congress call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the

federal government, and limit the terms of office for its officials and for members of Congress; and, be it

Further Resolved, That the State of West Virginia hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress and absolutely no other business will be authorized at this convention; and, be it

Further Resolved, That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of several states have made applications on the same subject; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution and application to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the members of West Virginia's congressional delegation, and to the presiding officers of each of the legislative houses in several states requesting their cooperation.

Which, under the rules, lies over one day.

Senator Sypolt offered the following resolution:

Senate Concurrent Resolution 6—Requesting the Division of Highways name bridge numbers 16-048/00-028.54 (EB-WB) (16A132, 16A133), locally known as Sauerkraut Run (EB-WB), carrying US 48 over Sauerkraut Run & CR 23/9 in Hardy County, the “U. S. Navy Seaman 2nd Class Wilbur ‘Webb’ Hahn and John W. Hahn Memorial Bridge”.

Whereas, Wilbur “Webb” Hahn, a native of Hardy County, West Virginia, was born on January 4, 1925, and died on July 5,

2016; and John William Hahn, Wilbur's brother, was also a native of Hardy County, West Virginia, born on July 6, 1922, and died July 22, 2010; and

Whereas, Wilbur "Webb" Hahn, U.S. Navy Seaman 2nd Class, honorably served our country during World War II. The Hahn brothers compassion and simple life was devoted to the development of Hahn & Hahn Timber Company in Wardensville, West Virginia, creating jobs in Hardy County, West Virginia; and

Whereas, The Hahn Brothers were highly respected role models that fostered many community children during hard times, leaving no one hungry; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Navy Seaman 2nd Class Wilbur 'Webb' Hahn and John W. Hahn and their 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 numbers 16-048/00-028.54 (EB-WB) (16A132, 16A133), locally known as Sauerkraut Run (EB-WB), carrying US 48 over Sauerkraut Run & CR 23/9 in Hardy County, the "U. S. Navy Seaman 2nd Class Wilbur 'Webb' Hahn and John W. Hahn 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. Navy Seaman 2nd Class Wilbur 'Webb' Hahn and John W. Hahn 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 Stover, Romano, and Martin offered the following resolution:

Senate Resolution 8—Recognizing the 149th anniversary of Glenville State College.

Whereas, In February 1872, the passage of West Virginia Senate Bill 52 allowed for a branch of the state Normal School to be established at Glenville; and

Whereas, The Glenville Branch of the West Virginia State Normal School was originally founded in order to serve the educational needs of West Virginia citizens by preparing teachers to serve in classrooms across the state; and

Whereas, Glenville State College has expanded its mission to now prepare students for careers in teaching, business, land resources, criminal justice, music, the liberal arts, the sciences, and human services; and

Whereas, Glenville State College continues to be critical to the educational and economic vitality of central West Virginia and beyond through a variety of educational and professional degrees at the associate and baccalaureate levels; and

Whereas, Glenville State College continues to be a vital resource and provides support for many first generation and rural college students, students of modest means, and students who enter college still unsure of their educational and career pathways to the future; and

Whereas, Throughout its 149-year history, the faculty and staff of Glenville State College have served its students with distinction through an individualized, career-focused approach; and

Whereas, Glenville State College students, employees, and alumni actively support their communities financially, and otherwise; and

Whereas, The year 2021 marks the 149th anniversary of Glenville State College's founding; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the 149th anniversary of Glenville State College; and, be it

Further Resolved, That the Senate extends its sincere appreciation and gratitude to Glenville State College for its contributions to the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the President of Glenville State College, Dr. Mark A. Manchin.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 14, Providing for additional options for alternative certification for teachers.

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 14 pass?"

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—25.

The nays were: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Romano, Stollings, and Woelfel—9.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 14) passed with its title.

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

Com. Sub. for Senate Bill 15, Relating generally to in-field master's degree.

On third reading, coming up in regular order, with the right having been granted on yesterday, Wednesday, February 17, 2021, for amendments to be received on third reading, was reported by the Clerk.

On motion of Senator Rucker, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 4. SALARIES, WAGES, AND OTHER BENEFITS.

§18A-4-1. Definitions.

~~(a) For the purpose of this article; salaries shall be defined as: (a) "Basic salaries" which shall mean the salaries paid to teachers with zero years of experience and in accordance with the classification of certification and of training of said teachers; and (b) "advanced salaries" which shall mean the basic salary plus an experience increment based on the allowable years of experience of the respective teachers in accordance with the schedule established herein for the applicable classification of certification and of training of said teachers are defined as:~~

(1) Salaries are defined as:

(A) “Advanced salaries” means the basic salary plus an experience increment based on the allowable years of experience of the respective teachers in accordance with the schedule established herein for the applicable classification of certification and of training of said teachers; or

(B) “Basic salaries” means the salaries paid to teachers with zero years of experience and in accordance with the classification of certification and training of said teachers.

(2) “Classification of certification” means the class or type of certificate issued by the State Superintendent under the statutory provisions of this chapter.

(3) “Classification of training” means the number of collegiate or graduate hours necessary to meet the requirements stipulated in the definitions set forth in ~~the next paragraph in items~~ subdivisions (2) through (11), inclusive, subsection (b) of this section.

(b) The column heads of the state minimum salary schedule set forth in §18A-4-2 of this code are defined as follows:

(1) “Years of experience” means the number of years the teacher has been employed in the teaching profession, including active work in educational positions other than the public schools, and service in the armed forces of the United States if the teacher was under contract to teach at the time of induction. For a registered professional nurse employed by a county board, “years of experience” means the number of years the nurse has been employed as a public school health nurse, including active work in a nursing position related to education, and service in the armed forces if the nurse was under contract with the county board at the time of induction. For the purpose of §18A-4-2 of this code, the experience of a teacher or a nurse shall be limited to that allowed under their training classification as found in the minimum salary schedule.

(2) “Fourth class” means all certificates previously identified as:

(a) (A) “Certificates secured by examination”; and

(b) (B) “~~other~~ Other first grade certificates”.

(3) “Third class” means all certificates previously identified as:

(a) (A) “Standard normal certificates”; and

(b) (B) “~~third~~ Third class temporary (64 semester hours) certificates”.

(4) “Second class” means all certificates previously identified as “second class temporary certificates based upon the required 96 hours of college work”.

(5) “A.B.” means a bachelor’s degree, from an accredited institution of higher education, which has been issued to, or for which the requirements for such have been met by, a person who qualifies for or holds a professional certificate or its equivalent. A registered professional nurse with a bachelor’s degree, who is licensed by the West Virginia Board of Examiners for Registered Professional Nurses and employed by a county board, shall be within this classification for payment in accordance with §18A-4-2 and §18A-4-2a of this code.

(6) “A.B. plus 15” means a bachelor’s degree as defined above plus 15 hours of graduate work, from an accredited institution of higher education certified to do graduate work, in an approved planned program at the graduate level which requirements have been met by a person who qualifies for or holds a professional certificate or its equivalent.

(7) “M.A.” means a master’s degree, earned in an institution of higher education approved to do graduate work, which has been issued to, or the requirements for such have been met by, a person who qualifies for or holds a professional certificate or its equivalent: Provided, That effective July 1, 2022, classroom teachers receiving a master’s degree on or after that date cannot qualify for “M.A.” and may only qualify for an in-field master’s degree.

(8) “M.A. plus 15” means the above-defined master’s degree plus 15 hours of graduate work, earned in an institution of higher education approved to do graduate work, if the person is qualified for or holds a professional certificate or its equivalent.

(9) “M.A. plus 30” means the above-defined master’s degree plus 30 graduate hours, earned in an institution approved to do graduate work, if the person is qualified for or holds a professional certificate or its equivalent.

(10) “M.A. plus 45” means the above-defined master’s degree plus 45 graduate hours, earned in an institution approved to do graduate work, if the person is qualified for or holds a professional certificate or its equivalent.

~~(10)~~ (11) “Doctorate” means a doctor’s degree, earned from a university qualified and approved to confer such a degree, which has been issued to or the requirements for such have been met by a person who qualifies for or holds a professional certificate or its equivalent.

(12) “In-field master’s degree” means the master’s degree as defined in this section, consisting of one of the following:

(A) Thirty (30) credit hours of post baccalaureate graduate credit confined to the specialization completed at the undergraduate level as set forth on the classroom teacher’s professional certificate or its equivalent and in the field the teacher is teaching; or

(B) Thirty (30) credit hours of post baccalaureate graduate credit in an area, approved by the state board, that enhances a classroom teacher’s effectiveness and ability to deliver instruction or meet daily student needs.

(c) For purposes of advanced salary classification, graduate work completed after July 1, 1994, shall be related to the public school program, as prescribed by the state board.

(d) Notwithstanding the requirements set forth in subdivisions ~~(6), (8) and (9)~~ (6), (7), (8), (9), and (10), subsection b of this section relating to hours of graduate work at an institution certified to do such work, 15 undergraduate credit hours from a regionally accredited institution of higher education, earned after the effective date of this section, may be utilized for advanced salary classification if such hours are in accordance with:

~~(a)~~ (1) The teacher's current classification of certification and of training;

~~(b)~~ (2) A designated instructional shortage area documented by the employing county superintendent; or

~~(c)~~ (3) An identified teaching deficiency documented through the state-approved county personnel evaluation system.

~~Effective July 1, 1994, the following definition shall be applicable.~~

~~(11) "M.A. plus 45" means the above defined master's degree plus forty five graduate hours, earned in an institution approved to do graduate work, if the person is qualified for or holds a professional certificate or its equivalent~~

(e) Starting July 1, 2022, the salary increase for holding an in-field master's degree is contingent upon a classroom teacher's assignment. The state board shall promulgate rules for the administration and implementation of the in-field master's salary as set forth in §18A-4-2(f) of this code and shall be consistent with the following:

(1) Classroom teachers holding an in-field master's degree who are assigned to teach, for at least one half of the total classes assigned, subjects which are consistent with the teachers' degrees are eligible for an advanced salary based pursuant to §18A-4-2(f) of this code. A teacher meeting one of the following criteria may petition the county superintendent of the county in which they

teach for a salary increase notwithstanding not meeting the instruction requirements:

(A) If a school's scheduling constraints prevent the teacher from being assigned to teach subjects consistent with the teacher's degrees for at least one half of the total classes assigned to teach;

(B) If the teacher was teaching subjects consistent with the teacher's degree and was voluntarily reassigned to assist the school or county in meeting a critical staffing need; or

(C) If the teacher was teaching subjects consistent with the teacher's degree but is no longer due to a reduction in force.

(2) A county superintendent shall review all petitions submitted for a salary increase notwithstanding not meeting the instructional requirements to verify that the appropriate circumstances exist that would entitle the teacher to a salary increase under this subsection. After review, the county superintendent shall submit the petition to the State Superintendent on behalf of the teacher and verify, with the appropriate supporting justification, whether or not the salary increase is warranted notwithstanding the teacher not meeting the instructional requirements. After review, the State Superintendent shall make a final determination on whether the salary increase is to be granted. Petitions submitted pursuant to this provision are valid for the school year in which they were submitted.

(3) The requirement to hold an in-field master's degree as a condition of receiving a salary increase for any education level above A.B. plus 15 pursuant to §18-4-2 of this code only applies to classroom teachers who receive a master's degree on or after July 1, 2022.

(f) The Higher Education Policy Commission in consultation with the State Superintendent of Schools, by August 31, 2021 shall develop a plan to provide readily accessible "M.A." classification programs at West Virginia institutions of

higher education for professional educators throughout the state. The objective is to provide coursework enabling professional educators to achieve efficiently a qualifying “M.A.” degree classification in their teaching field or a specialized pedagogical degree designed to directly enhance the educator’s classroom and online instructional skills. The Higher Education Policy Commission shall submit this plan to the Legislative Oversight Commission on Education Accountability. Further, the commission shall propose a legislative rule for legislative approval pursuant to §29A-3A-1 et seq. of this code by August 31, 2022, outlining the process for the state’s public, master’s degree granting institutions to offer a fully online, collaborative graduate program for educators that provides academic coursework including pedagogy, curriculum and instructional design, and behavioral health areas of focus.

§18A-4-2. State minimum salaries for teachers.

(a) It is the goal of the Legislature to increase the state minimum salary for teachers with zero years of experience and an A.B. degree, including the supplement, to at least \$43,000 by fiscal year 2019.

~~(b) For school year 2018-2019, and continuing thereafter, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule I as set forth in this section; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year: *Provided*, That for~~ For the school year 2019-2020, and continuing thereafter, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule ~~H~~ I as set forth in this section, subject to subsection (f) of this section, specific additional amounts prescribed in this section or article, and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.

STATE MINIMUM SALARY SCHEDULE I

Years	4 th	3 rd	2 nd	A.B.	A.B.	M.A.	M.A.	M.A.	M.A.	Doc-
Exp	Class	Class	Class		+15		+15	+30	+45	torate
0	29,937	30,626	30,892	32,335	33,096	34,863	35,624	36,385	37,146	38,181
1	30,265	30,954	31,220	32,853	33,614	35,382	36,143	36,903	37,664	38,699
2	30,594	31,282	31,548	33,372	34,133	35,900	36,661	37,422	38,183	39,218
3	30,922	31,610	31,876	33,891	34,651	36,419	37,180	37,940	38,701	39,736
4	31,494	32,182	32,448	34,653	35,414	37,182	37,943	38,703	39,464	40,499
5	31,822	32,510	32,776	35,172	35,933	37,700	38,461	39,222	39,983	41,018
6	32,150	32,838	33,104	35,690	36,451	38,219	38,980	39,740	40,501	41,536
7	32,478	33,167	33,432	36,209	36,970	38,737	39,498	40,259	41,020	42,055
8	32,806	33,495	33,761	36,727	37,488	39,256	40,017	40,777	41,538	42,573
9	33,134	33,823	34,089	37,246	38,007	39,774	40,535	41,296	42,057	43,092
10	33,463	34,151	34,417	37,766	38,526	40,294	41,055	41,816	42,576	43,611
11	33,791	34,479	34,745	38,284	39,045	40,813	41,573	42,334	43,095	44,130
12	34,119	34,807	35,073	38,803	39,563	41,331	42,092	42,853	43,613	44,648
13	34,447	35,135	35,401	39,321	40,082	41,850	42,610	43,371	44,132	45,167
14	34,775	35,463	35,729	39,840	40,600	42,368	43,129	43,890	44,650	45,685
15	35,103	35,791	36,057	40,358	41,119	42,887	43,647	44,408	45,169	46,204
16	35,431	36,119	36,385	40,877	41,637	43,405	44,166	44,927	45,687	46,722
17	35,759	36,448	36,713	41,395	42,156	43,924	44,685	45,445	46,206	47,241
18	36,087	36,776	37,042	41,914	42,675	44,442	45,203	45,964	46,725	47,760
19	36,415	37,104	37,370	42,432	43,193	44,961	45,722	46,482	47,243	48,278
20	36,743	37,432	37,698	42,951	43,712	45,479	46,240	47,001	47,762	48,797
21	37,072	37,760	38,026	43,469	44,230	45,998	46,759	47,519	48,280	49,315

22	37,400	38,088	38,354	43,988	44,749	46,516	47,277	48,038	48,799	49,834
23	37,728	38,416	38,682	44,507	45,267	47,035	47,796	48,556	49,317	50,352
24	38,056	38,744	39,010	45,025	45,786	47,554	48,314	49,075	49,836	50,871
25	38,384	39,072	39,338	45,544	46,304	48,072	48,833	49,594	50,354	51,389
26	38,712	39,400	39,666	46,062	46,823	48,591	49,351	50,112	50,873	51,908
27	39,040	39,728	39,994	46,581	47,341	49,109	49,870	50,631	51,391	52,426
28	39,368	40,057	40,322	47,099	47,860	49,628	50,388	51,149	51,910	52,945
29	39,696	40,385	40,651	47,618	48,378	50,146	50,907	51,668	52,428	53,463
30	40,024	40,713	40,979	48,136	48,897	50,665	51,425	52,186	52,947	53,982
31	40,353	41,041	41,307	48,655	49,416	51,183	51,944	52,705	53,465	54,500
32	40,681	41,369	41,635	49,173	49,934	51,702	52,463	53,223	53,984	55,019
33	41,009	41,697	41,963	49,692	50,453	52,220	52,981	53,742	54,503	55,538
34	41,337	42,025	42,291	50,210	50,971	52,739	53,500	54,260	55,021	56,056
35	41,665	42,353	42,619	50,729	51,490	53,257	54,018	54,779	55,540	56,575

STATE MINIMUM SALARY SCHEDULE H I

Years	4 th	3 rd	2 nd	A.B.	A.B.	M.A./ In- field	M.A. +15/ +15	M.A. +30/ +30	M.A. +45/ +45	Doc- torate /In- field Doc- torate
Exp.	Class	Class	Class		+15	<u>M.A.</u>	<u>M.A.</u>	<u>M.A.</u>	<u>M.A.</u>	<u>Doc- torate</u>
0	32,057	32,746	33,012	34,455	35,216	36,983	37,744	38,505	39,266	40,301
1	32,385	33,074	33,340	34,973	35,734	37,502	38,263	39,023	39,784	40,819
2	32,714	33,402	33,668	35,492	36,253	38,020	38,781	39,542	40,303	41,338
3	33,042	33,730	33,996	36,011	36,771	38,539	39,300	40,060	40,821	41,856
4	33,614	34,302	34,568	36,773	37,534	39,302	40,063	40,823	41,584	42,619

5	33,942	34,630	34,896	37,292	38,053	39,820	40,581	41,342	42,103	43,138
6	34,270	34,958	35,224	37,810	38,571	40,339	41,100	41,860	42,621	43,656
7	34,598	35,287	35,552	38,329	39,090	40,857	41,618	42,379	43,140	44,175
8	34,926	35,615	35,881	38,847	39,608	41,376	42,137	42,897	43,658	44,693
9	35,254	35,943	36,209	39,366	40,127	41,894	42,655	43,416	44,177	45,212
10	35,583	36,271	36,537	39,886	40,646	42,414	43,175	43,936	44,696	45,731
11	35,911	36,599	36,865	40,404	41,165	42,933	43,693	44,454	45,215	46,250
12	36,239	36,927	37,193	40,923	41,683	43,451	44,212	44,973	45,733	46,768
13	36,567	37,255	37,521	41,441	42,202	43,970	44,730	45,491	46,252	47,287
14	36,895	37,583	37,849	41,960	42,720	44,488	45,249	46,010	46,770	47,805
15	37,223	37,911	38,177	42,478	43,239	45,007	45,767	46,528	47,289	48,324
16	37,551	38,239	38,505	42,997	43,757	45,525	46,286	47,047	47,807	48,842
17	37,879	38,568	38,833	43,515	44,276	46,044	46,805	47,565	48,326	49,361
18	38,207	38,896	39,162	44,034	44,795	46,562	47,323	48,084	48,845	49,880
19	38,535	39,224	39,490	44,552	45,313	47,081	47,842	48,602	49,363	50,398
20	38,863	39,552	39,818	45,071	45,832	47,599	48,360	49,121	49,882	50,917
21	39,192	39,880	40,146	45,589	46,350	48,118	48,879	49,639	50,400	51,435
22	39,520	40,208	40,474	46,108	46,869	48,636	49,397	50,158	50,919	51,954
23	39,848	40,536	40,802	46,627	47,387	49,155	49,916	50,676	51,437	52,472
24	40,176	40,864	41,130	47,145	47,906	49,674	50,434	51,195	51,956	52,991
25	40,504	41,192	41,458	47,664	48,424	50,192	50,953	51,714	52,474	53,509
26	40,832	41,520	41,786	48,182	48,943	50,711	51,471	52,232	52,993	54,028
27	41,160	41,848	42,114	48,701	49,461	51,229	51,990	52,751	53,511	54,546
28	41,488	42,177	42,442	49,219	49,980	51,748	52,508	53,269	54,030	55,065
29	41,816	42,505	42,771	49,738	50,498	52,266	53,027	53,788	54,548	55,583
30	42,144	42,833	43,099	50,256	51,017	52,785	53,545	54,306	55,067	56,102

31	42,473	43,161	43,427	50,775	51,536	53,303	54,064	54,825	55,585	56,620
32	42,801	43,489	43,755	51,293	52,054	53,822	54,583	55,343	56,104	57,139
33	43,129	43,817	44,083	51,812	52,573	54,340	55,101	55,862	56,623	57,658
34	43,457	44,145	44,411	52,330	53,091	54,859	55,620	56,380	57,141	58,176
35	43,785	44,473	44,739	52,849	53,610	55,377	56,138	56,899	57,660	58,695

(c) Six hundred dollars shall be paid annually to each classroom teacher who has at least 20 years of teaching experience. The payments: (i) Shall be in addition to any amounts prescribed in the applicable State Minimum Salary Schedule; (ii) shall be paid in equal monthly installments; and (iii) shall be considered a part of the state minimum salaries for teachers.

(d) Effective July 1, 2019, each classroom teacher providing math instruction in the teacher's certified area of study for at least 60 percent of the time the teacher is providing instruction to students shall be considered to have three additional years of experience only for the purposes of the salary schedule set forth in subsection (b) of this section: *Provided*, That for any classroom teacher who satisfies these requirements and whose years of experience plus the three additional years due to them exceeds the years of experience provided for on the salary schedule shall be paid the additional amount equivalent to three additional years of experience notwithstanding the maximum experience provided on the salary schedule.

(e) Effective July 1, 2019, each classroom teacher certified in special education and employed as a full-time special education teacher shall be considered to have three additional years of experience only for the purposes of the salary schedule set forth in subsection (b) of this section: *Provided*, That for any classroom teacher who satisfies these requirements and whose years of experience plus the three additional years due to them exceeds the years of experience provided for on the salary schedule shall be paid the additional amount equivalent to three additional years of experience notwithstanding the maximum experience provided on the salary schedule.

(f) Notwithstanding any other provision of this section to the contrary, starting July 1, 2022, no classroom teacher receiving a master's degree on or after that date may receive the salary increase for any education level above A.B. plus 15 unless the requirements for an in-field master's degree as outlined in §18A-4-1 of this code have been satisfied.

~~(f)~~ (g) In accordance with §18A-4-5 of this code, each teacher shall be paid the supplement amount as applicable for his or her classification of certification or classification of training and years of experience as follows, subject to the provisions of that section:

(1) For "4th Class" at zero years of experience, \$1,781. An additional \$38 shall be paid for each year of experience up to and including 35 years of experience;

(2) For "3rd Class" at zero years of experience, \$1,796. An additional \$67 shall be paid for each year of experience up to and including 35 years of experience;

(3) For "2nd Class" at zero years of experience, \$1,877. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(4) For "A.B." at zero years of experience, \$2,360. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(5) For "A.B. + 15" at zero years of experience, \$2,452. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(6) For "M.A." at zero years of experience, \$2,644. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(7) For "M.A. + 15" at zero years of experience, \$2,740. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(8) For “M.A. + 30” at zero years of experience, \$2,836. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(9) For “M.A. + 45” at zero years of experience, \$2,836. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience; and

(10) For “Doctorate” at zero years of experience, \$2,927. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience.

These payments: (i) Shall be in addition to any amounts prescribed in the applicable State Minimum Salary Schedule, any specific additional amounts prescribed in this section and article and any county supplement in effect in a county pursuant to §18A-4-5a of this code; (ii) shall be paid in equal monthly installments; and (iii) shall be considered a part of the state minimum salaries for teachers.

Following discussion,

The question being on the adoption of Senator Rucker’s amendment to the bill, the same was put and prevailed.

There being no further amendments offered,

The bill, as just amended, was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 15 was then read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 15 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Boley, Clements, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Swope, Sypolt,

Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—24.

The nays were: Beach, Caputo, Grady, Ihlenfeld, Jeffries, Lindsay, Romano, Stollings, Stover, and Woelfel—10.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 15) passed.

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

Eng. Com. Sub. for Senate Bill 15—A Bill to amend and reenact §18A-4-1 and §18A-4-2 of the Code of West Virginia, 1931, as amended, all relating generally to in-field master’s degree; revising definition of “M.A.”; adding definition for “in-field master’s degree”; providing that salary increase for holding an in-field master’s degree is contingent upon a classroom teacher’s assignment; requiring the state board to promulgate rules for the administration and implementation of the in-field master’s salary; specifying contents of rule; requiring the Higher Education Policy Commission to develop a plan to provide readily accessible “MA” classification programs at West Virginia institutions of higher education for professional educators throughout the state; requiring the commission to propose a legislative rule outlining the process for the state’s public, master’s degree granting institutions to offer a fully online, collaborative graduate program for educators providing academic coursework including pedagogy, curriculum and instructional design, and behavioral health areas of focus; and prohibiting certain classroom teachers from receiving the salary increase for any education level above A.B. plus 15 unless certain in-field master’s degree related requirements have been satisfied.

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 66, Creating Voluntary WVU Rifle Team Check-Off Program on hunting and fishing licenses.

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 272, Relating to WV Employment Law Worker Classification Act.

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 277, Creating COVID-19 Jobs Protection Act.

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

At the request of Senator Trump, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 11, Declaring work stoppage or strike by public employees to be unlawful.

Com. Sub. for Senate Bill 12, Relating to local health department accountability.

Senate Bill 69, Creating “Choose Life” special registration plate supporting adoption.

Com. Sub. for Senate Bill 244, Making it unlawful for public utility to prohibit customers from hiring contractors to construct, install, or maintain connections to public utility.

Com. Sub. for Senate Bill 280, Relating to e-commerce modernization.

Com. Sub. for Senate Bill 293, Clarifying that Economic Development Authority is not authorized to enter into banking contracts without State Treasurer approval.

And,

Com. Sub. for Senate Bill 295, Relating generally to economic development loans and loan insurance issued by state.

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 Senators Jeffries, Baldwin, Tarr, and Plymale.

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

At the request of Senator Woelfel, unanimous consent being granted, the remarks by Senator Plymale were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 17, 2021:

Senate Bill 1: Senator Lindsay;

Senate Bill 42: Senators Stollings and Jeffries;

Senate Bill 58: Senator Lindsay;

Senate Bill 61: Senator Hamilton;

Senate Bill 83: Senator Lindsay;

Senate Bill 84: Senator Lindsay;

Senate Bill 86: Senator Stollings;

Senate Bill 101: Senator Lindsay;

Senate Bill 115: Senator Lindsay;

Senate Bill 226: Senator Lindsay;

Senate Bill 231: Senator Lindsay;

Senate Bill 240: Senator Hamilton;

Senate Bill 263: Senator Lindsay;

Senate Bill 268: Senator Hamilton;

Senate Bill 279: Senator Hamilton;

Senate Bill 280: Senator Lindsay;

Senate Bill 300: Senator Lindsay;

Senate Bill 302: Senators Lindsay, Caputo, and Ihlenfeld;

Senate Bill 305: Senators Karnes and Swope;

Senate Bill 306: Senators Phillips, Stollings, Grady, and Ihlenfeld;

Senate Bill 307: Senators Phillips and Stollings;

Senate Bill 308: Senator Ihlenfeld;

Senate Bill 309: Senators Phillips, Baldwin, Ihlenfeld, Grady, and Woelfel;

Senate Bill 310: Senators Ihlenfeld and Woelfel;

Senate Bill 312: Senators Trump, Ihlenfeld, Roberts, and Woelfel;

Senate Bill 313: Senators Phillips, Karnes, Trump, Lindsay, Caputo, Smith, and Woelfel;

Senate Bill 314: Senator Phillips;

Senate Bill 315: Senators Stollings, Lindsay, Caputo, Baldwin, and Smith;

Senate Bill 317: Senators Phillips, Baldwin, and Ihlenfeld;

Senate Bill 318: Senator Roberts;

Senate Bill 319: Senators Stollings and Lindsay;

Senate Bill 320: Senators Lindsay, Caputo, Baldwin, and Woelfel;

Senate Bill 322: Senator Lindsay;

Senate Bill 323: Senator Lindsay;

Senate Bill 324: Senator Lindsay;

Senate Bill 325: Senator Tarr;

Senate Joint Resolution 1: Senator Roberts;

Senate Joint Resolution 2: Senator Lindsay;

Senate Joint Resolution 4: Senator Roberts;

Senate Concurrent Resolution 4: Senator Lindsay;

And,

Senate Resolution 7: Senator Hamilton.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 12:05 p.m., the Senate adjourned until tomorrow, Friday, February 19, 2021, at 11 a.m.

FRIDAY, FEBRUARY 19, 2021

The Senate met at 11:01 a.m.

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

Prayer was offered by the Honorable Ryan W. Weld, a senator from the first district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael A. Woelfel, a senator from the fifth district.

Pending the reading of the Journal of Thursday, February 18, 2021,

At the request of Senator Hamilton, 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. Com. Sub. for House Bill 2007—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-17-1, §21-17-2, §21-17-3, §21-17-4, §21-

17-5, §21-17-6, §21-17-7, §21-17-8, §21-17-9, §21-17-10, §21-17-11, §21-17-12, and §21-17-13; to amend said code by adding thereto a new article, designated §29-33-1, §29-33-2, §29-33-3, §29-33-4, §29-33-5, §29-33-6, §29-33-7, §29-33-8, §29-33-9, §29-33-10, §29-33-11, §29-33-12, and §29-33-13; to amend said code by adding thereto a new article, designated §30-1F-1, §30-1F-2, §30-1F-3, §30-1F-4, §30-1F-5, §30-1F-6, §30-1F-7, §30-1F-8, §30-1F-9, §30-1F-10, §30-1F-11, §30-1F-12, and §30-1F-13, all relating to occupational licensing or other authorization to practice; providing for definitions; providing for an application method for persons with a valid license in another state to be licensed in this state; providing that a person applying for licensure in this state has worked in the licensed occupation for at least one year; providing for other criteria a person must satisfy when applying for licensure in this state; establishing that an applicant seeking licensure in this state not have ever had a license revoked or suspended in another state; providing that an applicant seeking licensure in this state not have any pending investigations or disciplinary proceedings in another state; providing that the boards in every state where a person is licensed hold the applicant in good standing for licensure in this state; providing that an applicant pay all applicable fees; providing that an applicant meet all state bonding requirements for licensure in this state; providing for an application fee that may be assessed by the board; providing for 60 days for a board to take action on a completed application; providing for an appeal mechanism for a person to appeal any decision of a board relating to occupational licensure; providing for state law preemption against any township, municipality, county, or other government to regulate occupational licensure; and providing for rulemaking authority to any board affected to carry out the provisions of the article.

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

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 7, Limiting political activity by public employees.

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

Com. Sub. for Senate Bill 7 (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 §6B-4-1, §6B-4-2, §6B-4-3, and §6B-4-4, all relating to a limitation on political activity by public employees and public officials; setting forth legislative purpose and findings; defining terms; providing exceptions; prohibiting political activity by public employees and public officials in certain limited circumstances; and establishing violations and penalties.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 42, Creating Zombie Property Remediation Act of 2021.

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

Com. Sub. for Senate Bill 42 (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,

designated §8-12-22, relating to foreclosure actions involving abandoned properties; authorizing a municipality to commence a proceeding in a court of competent jurisdiction in the county in which the property is located to compel a foreclosure; defining “vacant and abandoned property”; designating the Zombie Property Remediation Act of 2021; and requiring conveyance of the deed following foreclosure.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Chandler Swope,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 67, Relating to authority of Emergency Medical Services Advisory Council.

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

Respectfully submitted,

Michael J. Maroney,
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 79, Providing fair mechanism for adjudication of requests for relocation of parent with child.

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

Com. Sub. for Senate Bill 79 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §48-9-403 of the Code of West Virginia, 1931, as amended, all relating to providing a fair mechanism for the adjudication of requests for relocation of a parent with a child.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 89, Exempting certain kindergarten and preschool programs offered by private schools from registration requirements.

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

Respectfully submitted,

Patricia Puertas Rucker,
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 Bills 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, and 215, Commissioner of Agriculture rule relating to animal disease control.

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

Com. Sub. for Senate Bill 182 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-9-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain miscellaneous agencies and boards 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 Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia Seed Law; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of meat and poultry; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to a seed certification program; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia-exempted dairy farms and milk and milk products processing rules; authorizing the Auditor to promulgate a legislative rule relating to standards for requisitions for payment issued by state officers on the Auditor; authorizing the Funeral Service Examiners to promulgate a legislative rule relating to funeral director, embalmer, apprentice, courtesy card holders and funeral establishment requirements; authorizing the Funeral Service Examiners to promulgate a legislative rule relating to crematory requirements; authorizing the Funeral Service Examiners to promulgate a legislative rule relating to a fee schedule; authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to governing the West

Virginia Board of Hearing Aid Dealers; authorizing the Board of Landscape Architects to promulgate a legislative rule relating to registration of landscape architects; authorizing the Board of Landscape Architects to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Livestock Care Standards Board to promulgate a legislative rule relating to livestock care standards; authorizing the Board of Medicine to promulgate a legislative rule relating to registration to practice during declared state of emergency; authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to telehealth practice requirements, and definitions; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to emergency temporary permits to practice during states of emergency or state of preparedness; authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Uniform Controlled Substances Act; authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy rules for continuing education for licensure of pharmacists; authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure of wholesale drug distributors, third-party logistics providers, and manufacturers; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Controlled Substances Monitoring Program; authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy Rules for immunizations administered by pharmacists and pharmacy interns; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for physical therapist and physical therapist's assistants; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for physical therapist and physical therapist's assistants; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for athletic trainers; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for athletic trainers; authorizing the

Board of Professional Surveyors to promulgate a legislative rule relating to examination and licensing of professional surveyors in West Virginia; authorizing the Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers, and salespersons and the conduct of brokerage business; authorizing the Board of Respiratory Care to promulgate a legislative rule relating to criteria for licensure; authorizing the Secretary of State to promulgate a legislative rule relating to loan and grants programs under the Help America Vote Act (HAVA) for the purchase of voting equipment, election systems, software, services, and upgrades; authorizing the Secretary of State to promulgate a legislative rule relating to guidelines and standards for electronic notarizations; and authorizing the Board of Senior Services to promulgate a legislative rule relating to a shared table initiative for senior citizens.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 270, Providing for collection of tax by hotel marketplace facilitators.

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

Com. Sub. for Senate Bill 270 (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-18-3 and §7-18-4 of the Code of West Virginia, 1931, as amended,

all relating to taxation of hotel rooms booked through a marketplace facilitator; defining “marketplace facilitator”; providing for collection and remittance of the hotel occupancy tax imposed by any municipality or county by certain marketplace facilitators; making marketplace facilitators satisfying certain economic nexus requirements responsible for collection and remittance of the tax imposed by any county or municipality; requiring the marketplace facilitator to separately state the tax on all bills, invoices, accounts, books of account, and records relating to consideration paid for the occupancy or use of a hotel room; deeming all taxes collected be held in trust by the marketplace facilitator until remitted; and permitting marketplace facilitators and hotels or hotel operators to enter into agreements regarding fulfillment of the requirements of the chapter.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 275 (originating in the Committee on the Judiciary), Relating generally to WV Appellate Reorganization Act of 2021.

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

Com. Sub. for Com. Sub. for Senate Bill 275 (originating in the Committee on Finance)—A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-2D-16a; to amend said code by adding thereto a new section, designated §23-1-1h; to

amend and reenact §23-5-1, §23-5-3, §23-5-5, §23-5-6, §23-5-8, §23-5-9, §23-5-10, §23-5-11, §23-5-12, §23-5-13, §23-5-15, and §23-5-16 of said code; to amend said code by adding thereto twelve new sections, designated §23-5-1a, §23-5-3a, §23-5-5a, §23-5-6a, §23-5-8a, §23-5-8b, §23-5-9a, §23-5-10a, §23-5-11a, §23-5-12a, §23-5-13a, and §23-5-16a; 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 creating an Intermediate Court of Appeals; defining terms; providing that the Judicial Vacancy Advisory Commission assist initial and subsequent vacancies on the Intermediate Court of Appeals; clarifying meaning of quorum for Judicial Vacancy Advisory Commission; transferring jurisdiction over appeals of decisions of the Health Care Authority in certificate-of-need reviews from the Workers' Compensation Office of Administrative Law Judges and Circuit Court of Kanawha County to the Intermediate Court of Appeals; establishing procedures and time frames for transfer or disposition of unresolved appeals pending with the Office of Judges; transferring jurisdiction over all workers' compensation claims and transferring all powers and duties related thereto from the Office of Judges to the Workers' Compensation Board of Review by a date certain; providing for additional two members to Workers' Compensation Board of Review; providing for modified procedure to appoint members to Workers' Compensation Board of Review; conferring appellate jurisdiction over Office of Judges decisions and Board of Review decisions to the Intermediate Court of Appeals after a date certain; sunseting certain provisions relating to duties and procedures of the Office of Judges with respect to workers' compensation claims; modifying duties and procedures of Board of Review with respect to workers' compensation claims; terminating the Office of Judges by a date certain; authorizing the Board of Review to employ hearing examiners and other necessary personnel; establishing qualifications for hearing examiners hired by the Board of Review; setting forth powers of the Board of Review relating to workers' compensation

claims; providing for reports requested by the Insurance Commissioner to be made by the chair of the Board of Review; providing for oversight and administrative authority of the Insurance Commissioner over the Board of Review; authorizing the Board of Review to promulgate procedural rules; granting due consideration and an interview to employees of the Office of Judges who apply for positions with the Board of Review on or before a date certain and directing the Board of Review that such consideration and interview prior to considering any other applicant; authorizing the Board of Review to hire attorneys as hearing examiners; requiring that all orders and decisions of the Board of Review pertaining to an objection be issued and signed by a single member of the Board of Review, with certain exceptions; permitting the board of review member assigned to an objection to delegate certain duties to a hearing examiner; establishing the administrative powers and duties of the Board of Review; increasing the limit on the annual salary of a Board of Review member; authorizing the board of review to promulgate rules of practice and procedure, and establishing a process therefor; establishing duties of the chair of the Board of Review; providing that the administrative expenses of the Board of Review shall be included in annual budget of the Insurance Commissioner; providing that petitions for review of final decisions of the Workers' Compensation Board of Review must be made to the Intermediate Court of Appeals; establishing certain procedures and other requirements for appeals of Board of Review decisions made to the Intermediate Court of Appeals; providing that the Supreme Court of Appeals has discretion to review final decisions of the Intermediate Court of Appeals in workers' compensation claims; requiring that appeal of contested cases under the State Administrative Procedures Act be made to the Intermediate Court of Appeals; transferring jurisdiction to review family court final orders from circuit courts to the Intermediate Court of Appeals; creating an Intermediate Court of Appeals in West Virginia to be established and operable by a date certain; providing a short title; providing legislative findings; defining terms; establishing and defining two districts of the Intermediate Court of Appeals; requiring each district of the Intermediate Court of Appeals to conduct proceedings as a three-judge panel; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; providing for the location of

proceedings of the Intermediate Court of Appeals; excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing that parties to an appeal in the Intermediate Court of Appeals shall have an opportunity for a full and meaningful review on the record of the lower tribunal and an opportunity to be heard; establishing a procedure by which parties to an appeal in the Intermediate Court of Appeals may file a motion for direct review of an appeal by the Supreme Court of Appeals in certain extraordinary circumstances; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing a process for initial appointment of judges to the Intermediate Court of Appeals to fill vacancies in the Intermediate Court of Appeals upon its creation; providing for an initial election of judges to the Intermediate Court of Appeals for staggered terms; providing for the regular election of a judge to each district of the Intermediate Court of Appeals upon the expiration of a sitting judge's term; establishing a procedures for the filling of vacancies in unexpired judicial terms by appointment and in certain circumstances, subsequent election; providing that the Governor's judicial appointments must be made from a list of candidates submitted by the Judicial Vacancy Advisory Commission and are subject to advice and consent of the Senate; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected public office during the judicial term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; 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 and related filings be filed with the Clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings shall take place in publicly available facilities as arranged by the Administrative Director of the Supreme Court of Appeals; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the

Administrative Director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations; providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for lower courts; providing that the Intermediate Court of Appeals shall issue written decisions as a matter of right; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; providing internal effective dates; removing obsolete language from the code; and making technical corrections to the code.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
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 296, Relating generally to repealing certain rules.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Senate Resolution 6, Adopting special rule of order relating to proxy voting due to COVID-19 pandemic.

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

Respectfully submitted,

Craig Blair,
Chair ex officio.

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills and joint resolution were considered introduced, read by their titles, and referred to the appropriate committees:

By Senator Grady:

Senate Bill 361—A Bill to amend and reenact §62-12-26 of the Code of West Virginia, 1931, as amended, relating to required extended supervised release of those convicted of soliciting a minor or convicted of using obscene material with intent to seduce a minor.

Referred to the Committee on the Judiciary.

By Senator Smith:

Senate Bill 362—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-10A-1, §22-10A-2, §22-10A-3, §22-10A-4, §22-10A-5, §22-10A-6, §22-10A-7, §22-10A-8, §22-10A-9, and §22-10A-10, all relating to creating the Orphan Oil and Gas Well Prevention Act; providing for a short title; providing for legislative findings and declarations; providing for restrictions to permit oil and natural gas wells, certain prohibitions, and requiring plugging assurance requirements; providing for limitations on the transfer of wells; providing for responsibility of previous operators to plug

transferred wells; providing for different methods for operators to provide plugging assurance of wells, including for wells not producing in paying quantities; providing administrative and management responsibilities for the Chief of the Office of Oil and Gas and the State Treasurer regarding plugging assurance funds; providing clarifications regarding the duties of mineral and surface owners; providing for rule-making authority and severability; and providing an effective date.

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

By Senator Swope:

Senate Bill 363—A Bill to amend and reenact §21-3D-3 and §21-3D-4 of the Code of West Virginia, 1931, as amended, all relating generally to certification requirements of crane operators; providing that crane operators may be certified by additional nationally recognized accredited agencies; and changing the written exam requirements for Class A and Class B certifications.

Referred to the Committee on the Workforce.

By Senator Trump:

Senate Bill 364—A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-1A-4 of said code; to amend and reenact §21-5-1 of said code; and to amend and reenact §21-5-3 of said code, all relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities; prohibiting any person from coercing or intimidating any employee into making a political contribution or engaging in any form of political activity; prohibiting employers and any other persons responsible for the disbursement of wages and salaries from withholding or diverting any portion of an employee's wages or salary for political activities without express, written authorization; providing that the prohibition against withholding or diverting wages for political activities applies to any written or oral contract or agreement entered into, modified, renewed, or extended on or after July 1, 2021, and shall not otherwise apply or abrogate a written or oral contract or agreement in effect on or before June 30, 2021;

providing for criminal penalties; setting forth requirements for employees to provide written authorization for disbursement of wages and salaries by an employer or other person for political activities; requiring the Secretary of State to promulgate forms; defining terms “political activities” and “agency shop fees”; modifying definition of “deductions” to exclude amounts for union or club dues; making it an unfair labor practice under the Labor-Management Relations Act for the Private Sector for a labor organization to use agency shop fees paid by nonmembers for political activities, unless expressly authorized by the individual; removing the requirement that an assignment or order be acknowledged by the party making the same before a notary public or other official authorized to take acknowledgments; requiring that an assignment or order shall be in writing; and providing that the changes made to the assignment of wages during the regular session of the Legislature, 2021, apply to any written or oral contract or agreement entered into, modified, renewed, or extended on or after July 1, 2021, and shall not otherwise apply or abrogate a written or oral contract or agreement in effect on or before June 30, 2021.

Referred to the Committee on the Judiciary.

By Senators Grady and Karnes:

Senate Bill 365—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-7B-1, §61-7B-2, §61-7B-3, and §61-7B-4, all relating to creating the West Virginia Firearms Protection Act; providing definitions; ensuring that state and local governments do not enforce federal firearms regulations or rules that are in conflict with the state code or that do not exist in state code; providing a criminal penalty for the violation of the terms of this article; and providing an effective date.

Referred to the Committee on the Judiciary.

By Senator Karnes:

Senate Bill 366—A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to the home

instruction exemption for compulsory school attendance; removing the requirement that the state board develop guidelines for homeschooling special education students; clarifying when a child is considered homeschooled; providing that a parent, guardian, or adult relative may provide home instruction; modifying the required annual assessment used to evaluate a child's academic proficiency; removing the obligation to submit academic assessment results to a county by a certain date; providing that a child enrolled in more than three classes in public school be considered a full-time public school student; and making technical corrections.

Referred to the Committee on Education.

By Senator Karnes:

Senate Bill 367—A Bill to amend and reenact §59-3-1 of the Code of West Virginia, 1931, as amended, relating to requiring newspapers qualified to publish legal advertisements must accept advertisements for publication from political candidates without regard to content; and providing exceptions.

Referred to the Committee on the Judiciary.

By Senator Swope:

Senate Bill 368—A Bill to amend and reenact §22-15A-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §22-15A-30; and to amend and reenact §22-16-12 of said code, all relating to authorizing the Department of Environmental Protection to develop the Reclamation of Abandoned and Dilapidated Properties Program to reclaim abandoned and dilapidated structures in order to improve West Virginia communities and to open new parcels for development; creating a special revenue fund; providing a statement of legislative findings and purpose; and permitting the payment of excess money from the Solid Waste Facility Closure Cost Assistance Fund into the Reclamation of Abandoned and Dilapidated Properties Program Fund.

Referred to the Committee on Economic Development.

By Senator Azinger:

Senate Bill 369—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-19-1, relating to a civil action for social media censorship.

Referred to the Committee on the Judiciary.

By Senator Swope:

Senate Bill 370—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4; and to amend and reenact §21-1C-5 of said code, all relating to requiring certain documents that include records of wages be considered confidential; prohibiting governmental entity that requires private company contracting with, or seeking to contract with, a governmental entity for a construction project to submit any document that includes records of actual wages paid to employees from disclosing document or information contained therein to any other entity or person; permitting disclosure of such document or information to state or federal agency; providing that any such document containing records of actual wages paid to employees shall be considered confidential and proprietary and may not be considered a public record; defining “governmental entity”; defining contents of certified payroll document; providing that any document containing records of actual wages paid to employees filed or submitted pursuant to the West Virginia Jobs Act may not be disclosed by the Division of Labor or a public authority to any other entity or person other than to a state or federal agency; and providing that any document submitted or filed pursuant to the West Virginia Jobs Act that includes records of actual wages paid to employees or information contained therein shall be considered confidential and proprietary and may not be considered a public record.

Referred to the Committee on the Workforce.

By Senators Clements and Swope:

Senate Bill 371—A Bill to amend and reenact §17-3-2 of the Code of West Virginia, 1931, as amended, relating to the use of the State Road Fund for state road purposes.

Referred to the Committee on Finance.

By Senator Trump:

Senate Joint Resolution 8—Proposing an amendment to the Constitution of the State of West Virginia, amending section one, article V thereof, relating to providing that courts have no authority by mandamus, prohibition, contempt, or otherwise to interfere with the proceedings of the Legislature; restoring the constitutional principle giving life to the separation of powers as articulated in Syllabus Point 3 of the decision of the West Virginia Supreme Court of Appeals in the case of *State ex rel. Holmes v. Clawges*, 226 W. Va. 479, 702 S.E.2d 611; and nullifying Syllabus Point 3 of the decision of the West Virginia Supreme Court of Appeals in the case of *State ex rel. Workman v. Carmichael*, 241 W. Va.105, 819 S.E.2d 251 (2018); numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senator Maynard offered the following resolution:

Senate Concurrent Resolution 7—Requesting the Division of Highways name bridge number 11-31-8, carrying Twelve Pole Creek Road/Old NW Railroad Bed Road 3/05 over West Fork Twelve Pole Creek west of Big Sang Kill Road in Mingo County, the “Ira ‘Noon’ Copley and Marie Copley Memorial Bridge”.

Whereas, Ira “Noon” Copley was born in 1926 in Wilsondale, West Virginia, to Lawrence and Nora Copley; and

Whereas, Ira “Noon” Copley attended Burch High School in Delbarton, West Virginia; and

Whereas, After graduating, Ira “Noon” Copley enlisted in the Navy on January 22, 1944; and

Whereas, Upon his release from the Navy on November 6, 1945, Ira “Noon” Copley returned home and drove a taxicab, worked on a sawmill, and eventually owned his own sawmill and

lumber yard. He started High Spur Coal Company with Shorty Hartman of Logan, West Virginia, and started Lady K Coal in Dingess, West Virginia. Ira “Noon” Copley was an innovator and risk-taker. He developed what was then called a “coal tube”. Although many said his idea would not work, he built and successfully maintained the only two in this part of the country; and

Whereas, Ira “Noon” Copley was responsible for an ambulance service in Dingess, West Virginia, and, when funds didn’t come in as expected, he gave quietly every month to keep it going. He also provided land and helped to bring in a medical facility, through Logan General Hospital, which served the community of Dingess for many years; and

Whereas, Ira and Marie Copley not only made an impact in Dingess, by providing jobs and giving thousands of dollars to local churches, but their impact was felt in faraway places. They built the Han Young Theological Seminary in Seoul Korea. Ira “Noon” Copley’s last project before his death was to provide a landfill in order to clean up garbage and debris littered across Mingo, Logan, and Wayne counties. Unfortunately, with his untimely death, the project came to a halt; and

Whereas, Ira and Marie Copley touched many lives with their heart for giving and helping others; and

Whereas, Ira “Noon” Copley died on April 30, 1988, and Marie Copley died on March 19, 2018; and

Whereas, It is fitting that an enduring memorial be established to commemorate Ira “Noon” Copley and Marie Copley and their 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 11-31-8, carrying Twelve Pole Creek Road/Old NW Railroad Bed Road 3/05 over West Fork Twelve Pole Creek

west of Big Sang Kill Road in Mingo County, the “Ira ‘Noon’ Copley and Marie Copley 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 “Ira ‘Noon’ Copley and Marie Copley 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.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the fourth order of business.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 372 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §30-3-10 of the Code of West Virginia, 1931, as amended, relating to the practice of medicine and surgery or podiatry; establishing criteria for graduate clinical training residency programs when accreditation is not available for the fellowship’s field; and providing for other consideration for graduate clinical training based upon the approval of accredited residency programs in the same field.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 5, Urging Congress call Article V convention to impose fiscal restraints on federal government.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on the Judiciary.

Senate Concurrent Resolution 6, US Navy Seaman 2nd Class Wilbur ‘Webb’ Hahn and John W. Hahn Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Resolution 8, Recognizing 149th anniversary of Glenville State College.

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

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Stover, Rucker, and Romano regarding the adoption of Senate Resolution 8 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 66, Creating Voluntary WVU Rifle Team Check-Off Program on hunting and fishing licenses.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for Senate Bill 272, Relating to WV Employment Law Worker Classification Act.

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

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 272 pass?”

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—21.

The nays were: Baldwin, Beach, Caputo, Hamilton, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Stover, Unger, and Woelfel—13.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 272) passed with its title.

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

Com. Sub. for Senate Bill 277, Creating COVID-19 Jobs Protection Act.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, February 18, 2021, for amendments to be received on third reading, was reported by the Clerk.

On motion of Senator Lindsay, the following amendment to the bill was reported by the Clerk:

On page six, section four, after line four, by adding the following proviso: Provided, That the limitations on liability provided in this section shall not apply to any person, or any employee or agent thereof, who acts with actual malice or a conscious, reckless, and outrageous indifference to the health, safety, and welfare of others.

Following discussion,

The question being on the adoption of Senator Lindsay's amendment to the bill, the same was put and did not prevail.

On motion of Senator Lindsay, the following amendment to the bill (Com. Sub. for S. B. 277) was next reported by the Clerk:

On page eight, section eight, line two, after the word "date" by striking out the period and adding the words "until the COVID-19 State of Emergency, declared on March 16, 2020, is terminated or rescinded."

Following discussion,

The question being on the adoption of Senator Lindsay's amendment to the bill, the same was put and did not prevail.

There being no further amendments offered,

The bill was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 277 was then read a third time and put upon its passage.

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 277 pass?"

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—25.

The nays were: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Romano, Stollings, and Unger—9.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 277) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—25.

The nays were: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Romano, Stollings, and Unger—9.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 277) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 11, Declaring work stoppage or strike by public employees to be unlawful.

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 12, Relating to local health department accountability.

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

At the request of Senator Maroney, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Senate Bill 69, Creating “Choose Life” special registration plate supporting adoption.

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 244, Making it unlawful for public utility to prohibit customers from hiring contractors to construct, install, or maintain connections to public utility.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 280, Relating to e-commerce modernization.

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 293, Clarifying that Economic Development Authority is not authorized to enter into banking contracts without State Treasurer approval.

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 295, Relating generally to economic development loans and loan insurance issued by state.

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

On motion of Senator Maynard, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page nine, section eleven-a, line thirty-six, by striking out the word “subsection” and inserting in lieu thereof the word “section”;

And,

On page sixteen, section eight, line one hundred twenty-four, by striking out the word “director” and inserting in lieu thereof the word “authority”.

The bill (Com. Sub. for S. B. 295), as amended, was then ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 1, Providing for parity of payment for telehealth services between service in-person and service provided through telehealth platform.

And,

Senate Bill 61, Expanding Coyote Control Program through voluntary assessment on breeding cows.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Maynard and Sypolt.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 18, 2021:

Senate Bill 2: Senator Caputo;

Senate Bill 46: Senator Grady;

Senate Bill 54: Senator Grady;

Senate Bill 67: Senator Rucker;

Senate Bill 79: Senator Woelfel;

Senate Bill 88: Senator Grady;

Senate Bill 94: Senator Ihlenfeld;

Senate Bill 270: Senator Woodrum;

Senate Bill 279: Senator Martin;

Senate Bill 287: Senator Ihlenfeld;

Senate Bill 307: Senator Nelson;

Senate Bill 309: Senator Nelson;

Senate Bill 315: Senator Woelfel;

Senate Bill 318: Senator Nelson;

Senate Bill 329: Senator Stollings;

Senate Bill 330: Senator Stollings;

Senate Bill 331: Senator Stollings;

Senate Bill 332: Senators Grady, Smith, Rucker, and Phillips;

Senate Bill 333: Senator Rucker;

Senate Bill 334: Senator Grady;

Senate Bill 335: Senator Grady;

Senate Bill 336: Senator Phillips;

Senate Bill 337: Senators Karnes and Swope;

Senate Bill 338: Senator Stollings;

Senate Bill 339: Senator Smith;

Senate Bill 340: Senators Smith and Hamilton;

Senate Bill 341: Senators Roberts, Smith, and Swope;

Senate Bill 343: Senators Smith and Ihlenfeld;

Senate Bill 344: Senators Woelfel and Plymale;

Senate Bill 345: Senators Roberts and Ihlenfeld;

Senate Bill 346: Senators Smith and Ihlenfeld;

Senate Bill 347: Senators Beach and Ihlenfeld;

Senate Bill 348: Senator Roberts;

Senate Bill 349: Senator Roberts;

Senate Bill 350: Senator Roberts;

Senate Bill 351: Senators Roberts, Smith, Clements, and Martin;

Senate Bill 353: Senators Swope and Plymale;

Senate Bill 355: Senators Stollings and Ihlenfeld;

Senate Bill 356: Senator Stollings;

Senate Bill 357: Senator Rucker;

Senate Bill 358: Senator Nelson;

Senate Bill 359: Senator Stollings;

Senate Bill 360: Senators Roberts and Ihlenfeld;

Senate Joint Resolution 1: Senator Hamilton;

Senate Joint Resolution 5: Senators Rucker and Clements;

Senate Joint Resolution 6: Senators Clements and Rucker;

Senate Joint Resolution 7: Senators Roberts, Rucker, Phillips, and Nelson;

Senate Concurrent Resolution 5: Senators Grady and Rucker;

Senate Concurrent Resolution 6: Senator Phillips;

Senate Resolution 6: Senator Hamilton;

And,

Senate Resolution 8: Senators Roberts, Plymale, Clements, Rucker, Lindsay, Caputo, and Hamilton.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Takubo, at 12:56 p.m., the Senate adjourned until Monday, February 22, 2021, at 11 a.m.

MONDAY, FEBRUARY 22, 2021

The Senate met at 11 a.m.

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

Prayer was offered by Jake Nichols, Senate Parliamentarian, Elkview, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ron Stollings, a senator from the seventh district.

Pending the reading of the Journal of Friday, February 19, 2021,

At the request of Senator Sypolt, 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, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2003—A Bill to amend and reenact §15-5-2 and §15-5-6 of the Code of West Virginia, 1931, as amended, all relating to the authority and obligations of the Governor and Legislature when in declared states of preparedness and emergency; clarifying the authority and obligations of the Governor during periods of preparedness and emergency; providing requirements for any proclamation or resolution issued relating to a state of preparedness or emergency; defining terms; specifying new criteria for the duration and termination of states of preparedness and emergency; providing for the extension of states

of emergency and preparedness by concurrent resolution of the Legislature and specifying the duration of such extensions; providing directives for lawsuits filed challenging actions taken pursuant to the authority granted herein; and updating references to a state agency.

Referred to the Committee on Government Organization; and then 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 2009—A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-1A-4 of said code; and to amend and reenact §21-5-1 of said code, all relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities; prohibiting any person from coercing or intimidating any employee into making a political contribution or engaging in any form of political activity; prohibiting employers and any other persons responsible for the disbursement of wages and salaries from withholding or diverting any portion of an employee’s wages or salary for political activities without express, written authorization; providing for employee modification or withdrawal of wage withholding or diversion to expire one year after execution; providing that the prohibition against withholding or diverting wages for political activities applies to any written or oral contract or agreement entered into, modified, renewed or extended on or after July 1, 2017, and shall not otherwise apply or abrogate a written or oral contract or agreement in effect on or before June 30, 2017; providing for criminal penalties; setting forth requirements for employees to provide written authorization for disbursement of wages and salaries by an employer or other person for political activities; requiring the Secretary of State to promulgate forms; defining terms “political activities” and “agency shop fees”; modifying definition of “deductions” to exclude amounts for union or club dues; and making it an unfair labor practice under the Labor-

Management Relations Act for the Private Sector for a labor organization to use agency shop fees paid by nonmembers for political activities, unless expressly authorized by the individual.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 2014—A Bill to amend and reenact §4-11-1, §4-11-2, §4-11-3, §4-11-4, §4-11-5, §4-11-6 and §4-11-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-1A-1 of said code; to amend and reenact §11B-1-1 and §11B-1-4 of said code; to amend and reenact §11B-2-11, §11B-2-21 and §11B-2-23 of said code; to amend and reenact §12-2-2 of said code; to amend and reenact §12-3-12 and §12-3-17 of said code; to amend and reenact §12-4-2 and §12-4-3 of said code; and to amend and reenact §15-5-6 of said code, all relating to disposition of moneys received by the state generally; specifying the role of the Legislature in appropriating federal funds; updating references to types of federal funds; providing for appropriation of federal funds in accordance with the state constitution; updating and clarifying statutory cross-references; limiting gubernatorial authority to spend federal funds without appropriation of the Legislature; continuing and limiting spending of certain emergency funds for natural disasters without additional enactment; requiring reports to the Legislature on proposed and actual spending of those funds; removing certain emergency federal fund exclusion language from the provisions governing appropriations of federal funds; establishing controlling provisions in case of conflict of law; clarifying statutes applicable to preparation of state budget; clarifying meaning of certain terms; conditioning the Secretary of Revenue's receipt and expenditure of federal funds; providing copy of certain reports to the Legislature; enlarging matters to be reported to the Legislature regarding revenue estimates, collections and appropriations; requiring any budget reductions be made before end of fiscal year; enlarging matters to be reported in the annual Consolidated Federal Funds report; authorizing funds to be

reappropriated from one fiscal year to the next, and providing circumstances under which those funds expire to the general revenue fund instead of being reappropriated; modifying certain terms; updating references to public officers; and prohibiting the suspension of any statute governing the appropriation or expenditure of public funds by the exercise of gubernatorial emergency powers.

Referred to the Committee on Finance.

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 2325—A Bill to amend and reenact §30-27-5 and §30-27-10 of the Code of West Virginia, 1931, as amended, all relating to barbers and cosmetology; restricting the authority of the Board of Barbers and Cosmetologists to regulate the use of commonly available retail beauty products; and removing the requirement of continuing education for barbers and cosmetologists.

Referred to the Committee on Government Organization.

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 2366—A Bill to amend and reenact §29A-3-11 of the Code of West Virginia, 1931, as amended, relating to requiring agencies who have approved a proposed rule that affects fees or other special revenues to provide to the committee a fiscal note that includes the fund name, the fund number, and the past five years of the fund's revenues and expenses.

Referred to the Committee on Government Organization.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 29, Authorizing fee payment and expense reimbursement for attorneys participating on court teams established by Supreme Court of Appeals.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

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 53, Providing next of kin criminally responsible for relative's death may not be involved in burial arrangements.

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

Com. Sub. for Senate Bill 53 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-6-22b, relating to barring a person who has been charged with willfully and intentionally causing the death of another by a criminal complaint, indictment, or a child abuse petition from participating in or planning the funeral or burial of the deceased.

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:

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 373—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-31; and to amend and reenact §11-24-7 of said code, relating to the modernization of the collection of income taxes by adopting uniform provisions relating to the mobile workforce; removing the “throw out” provision; replacing origin sourcing with market sourcing for services and intangible property; and changing the apportionment of multi-state income from a four factor formula to a single sales factor.

Referred to the Committee on Finance.

By Senator Maynard:

Senate Bill 374—A Bill to amend and reenact §15A-3-14 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of money for which a purchase may be made without obtaining three bids to \$10,000.

Referred to the Committee on Government Organization.

By Senator Rucker:

Senate Bill 375—A Bill to amend and reenact §18-5-16 of the Code of West Virginia, 1931, as amended, relating to county board of education open enrollment; providing county board of education policies for open enrollment; setting forth reasons for which an

open enrollment application may be denied and the process for application denial; and amending provisions pertaining to funding in certain instances of a student transfer.

Referred to the Committee on Education.

By Senators Clements and Swope:

Senate Bill 376—A Bill to amend and reenact §17C-15-37 of the Code of West Virginia, 1931, as amended, relating to removing inoperative provisions requiring Commissioner of the Division of Highways set standards for studded snow tires.

Referred to the Committee on Transportation and Infrastructure.

By Senator Takubo:

Senate Bill 377—A Bill to amend and reenact §16-1-9a of the Code of West Virginia, 1931, as amended, relating to providing an extension of the deadline by which a water utility company and public service district must provide boiled water advisories through a text or voice alert mass notification system; and clarifying the advisory may be made by either text or voice alert.

Referred to the Committee on Health and Human Resources.

By Senator Weld:

Senate Bill 378—A Bill to amend and reenact §60A-4-407 of the Code of West Virginia, 1931, as amended, relating to requiring participation in a drug court program, under certain circumstances, before a conditional discharge for first offense of possession of a controlled substance may be granted.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 379—A Bill amend and reenact §15-2B-6 of the Code of West Virginia, 1931, as amended, relating to requiring persons convicted of certain felonies since March 9, 1995, provide a DNA sample.

Referred to the Committee on the Judiciary.

By Senator Hamilton:

Senate Bill 380—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-10-1, §5B-10-2, §5B-10-3, §5B-10-4, §5B-10-5, §5B-10-6, §5B-10-7, §5B-10-8, §5B-10-9, §5B-10-10, §5B-10-11, §5B-10-12, §5B-10-13, and §5B-10-14; and to amend said code by adding thereto a new article, designated §18-31A-1 and §18-31A-2, all relating to structuring the Electronic Telecommunication Open Infrastructure Act; conducting an inventory and developing coordinated deployment and operation of technology infrastructure within this state; definitions; legislative findings; technology infrastructure inventory, local government cooperation, inventory survey reporting requirements; rule-making authority of Secretary of Department of Administration; exemption from disclosure of confidential information; creating Joint Legislative Oversight Commission on Transportation and Infrastructure; powers and duties of the Secretary of Commerce; rule-making authority of Council for Community and Economic Development relating to secretary; study by secretary and inventory of management practices of technology and technology infrastructure; reporting requirements; providing technical and funding assistance to develop technology infrastructure; authorizing secretary to engage in consulting services for fee; contractual and joint venture agreements; liberal construction of article; and utilizing broadband infrastructure, technology, and information to enhance early childhood development.

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

By Senators Hamilton, Stover, and Woodrum:

Senate Bill 381—A Bill to amend and reenact §20-2-42i of the Code of West Virginia, 1931, as amended, relating to the Class LL nonresident fishing license; and providing it be issued for three consecutive days.

Referred to the Committee on Natural Resources.

By Senator Clements:

Senate Bill 382—A Bill to amend and reenact §17C-15-37 of the Code of West Virginia, 1931, as amended, relating to removing inoperative provisions requiring Commissioner of Highways set standards for studded snow tires.

Referred to the Committee on Transportation and Infrastructure.

By Senator Trump:

Senate Bill 383—A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempt property from taxation used exclusively for divine worship and the operation of a pre-K school, primary school, middle school, secondary school, or daycare center for children, which school or daycare center is operated by the church which owns the property or is operated by another not-for-profit organization or entity.

Referred to the Committee on Finance.

By Senator Trump:

Senate Bill 384—A Bill to amend and reenact §48-19-105 of the Code of West Virginia, 1931, as amended, relating to increasing minimum salaries for Bureau for Child Support Enforcement attorneys.

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

By Senator Maroney:

Senate Bill 385—A Bill to amend and reenact §49-2-111a of the Code of West Virginia Code, 1931, as amended, relating to clarifying the definition of “performance-based contracting”; and eliminating the requirement of the procurement process in performance-based contracts.

Referred to the Committee on Health and Human Resources.

By Senator Rucker:

Senate Bill 386—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to fees for certain military special registration plates for motor vehicles; providing that additional fee for the issuance of certain military special registration plates be equal to either the lesser of \$10 or the additional cost to produce the special plate; and reducing the fee for the renewal of the registration of a motor vehicle issued certain military special registration plates.

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

By Senator Maroney:

Senate Bill 387—A Bill to amend and reenact §9-3-6 of the Code of West Virginia, 1931, as amended, relating to the program for drug screening of applicants for cash assistance.

Referred to the Committee on Health and Human Resources.

By Senator Maroney:

Senate Bill 388—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-130, relating to the creation of the Office of Quality Assurance and Evaluation for child welfare programs within the Department of Health and Human Resources.

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

By Senator Swope:

Senate Bill 389—A Bill to amend and reenact §29-31-2 of the Code of West Virginia, 1931, as amended, relating to clarifying that State Resiliency Office is responsible to plan for emergency and disaster response, recovery, and resiliency; clarifying that the state resiliency officer is a member of the board; placing the Secretary of the Department of Health and Human Resources on the board; requiring that state resiliency officer only vote in the

event of a tie vote of the board; requiring that the board elect a vicechair from its membership; creating the duties and responsibilities of the vice chairman; and eliminating the notice requirement for board meetings.

Referred to the Committee on Government Organization.

By Senator Maroney:

Senate Bill 390—A Bill to amend and reenact §33-4A-1, §33-4A-2, §33-4A-3, §33-4A-4, §33-4A-5, §33-4A-6, §33-4A-7, and §33-4A-8 of the Code of West Virginia, 1931, as amended, all relating to the all-payer claims database; reflecting that the Health Care Authority is part of the organizational structure of the Department of Health and Human Resources and is no longer a separate governmental agency; and clarifying and accurately delineating the roles of the entities responsible for the all-payer claims database.

Referred to the Committee on Health and Human Resources.

By Senator Maroney:

Senate Bill 391—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-101a, relating to a departmental study of the child protective services and foster care workforce.

Referred to the Committee on Health and Human Resources.

By Senator Hamilton:

Senate Bill 392—A Bill to amend and reenact §61-1-9 of the Code of West Virginia, 1931, as amended, relating to creating the penalty of incarceration to a conviction for the impersonation of a law-enforcement officer or official.

Referred to the Committee on the Judiciary.

By Senator Beach:

Senate Bill 393—A Bill to amend and reenact §21-11-10 of the Code of West Virginia, 1931, as amended, relating to requiring persons building residential structures to inform the county board

of education of the number of units to be constructed and the estimated number of occupants of those structures; and requiring this information be provided before a building permit may be issued.

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

By Senator Weld:

Senate Bill 394—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-63, relating to exempting certain persons from fees for hunting, fishing, and trapping licenses and permits; providing that fees for hunting, trapping, and fishing licenses and permits are waived for certain volunteer firefighters; including eligibility requirements; requiring compliance with all other requirements to obtain license; and granting rule-making authority.

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

By Senator Maroney:

Senate Bill 395—A Bill to amend and reenact §5-16-4 of the Code of West Virginia, 1931, as amended, relating to expanding the membership of the Public Employees Insurance Agency Finance Board.

Referred to the Committee on Finance.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 396 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §29-12A-5 of the Code of West Virginia, 1931, as amended, relating to providing limitations

on nuisance actions against fire department or emergency medical services fixed sirens.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 7, Ira “Noon” Copley and Marie Copley Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Resolution 6, Adopting special rule of order relating to proxy voting due to COVID-19 pandemic.

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

The question being on the adoption of the resolution, the same was put and prevailed.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 11, Declaring work stoppage or strike by public employees to be unlawful.

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

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 11 pass?”

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—21.

The nays were: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Stover, Unger, and Woelfel—12.

Absent: Hamilton—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 11) passed with its title.

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

Com. Sub. for Senate Bill 12, Relating to local health department accountability.

On third reading, coming up in regular order, with the right having been granted on Friday, February 19, 2021, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

Eng. Com. Sub. for Senate Bill 66, Creating Voluntary WVU Rifle Team Check-Off Program on hunting and fishing licenses.

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, Boley, Caputo, Clements, Grady, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Hamilton—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 66) passed with its title.

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

Eng. Senate Bill 69, Creating “Choose Life” special registration plate supporting adoption.

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

Pending discussion,

The question being “Shall Engrossed Senate Bill 69 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Boley, Clements, Grady, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Beach and Caputo—2.

Absent: Hamilton—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 69) passed with its title.

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

Eng. Com. Sub. for Senate Bill 280, Relating to e-commerce modernization.

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, Boley, Caputo, Clements, Grady, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Hamilton—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 280) passed with its title.

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

Eng. Com. Sub. for Senate Bill 293, Clarifying that Economic Development Authority is not authorized to enter into banking contracts without State Treasurer approval.

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, Boley, Caputo, Clements, Grady, Ihlenfeld, Jeffries,

Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Hamilton—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 293) passed with its title.

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

Eng. Com. Sub. for Senate Bill 295, Relating generally to economic development loans and loan insurance issued by state.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Maynard, unanimous consent was granted to offer an amendment to the bill on third reading.

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

On pages eight through eleven, by striking out all of section eleven-a and inserting in lieu thereof a new section, designated section eleven-a, to read as follows:

§12-6C-11a. Broadband Loan Insurance Program; requirements.

(a) Definitions. — For the purposes of this section, the following terms have the following meanings:

(1) “Authority” refers to the West Virginia Economic Development Authority.

(2) “Board” refers to the West Virginia Board of Treasury Investments.

(3) “Broadband Loan Insurance Program” or the “program” refers to the program through which the authority issues loan insurance, as authorized by §31-15-8a of this code.

(4) “Debt instrument” means any note, loan agreement, or any other form of indebtedness whatsoever and shall expressly include a letter of credit or other agreement relating to a letter of credit.

(5) “Eligible broadband provider” has the same meaning provided in §31-15-8a of this code.

(6) “Financial institution” means the bank, insurance company, or other institution in the business of lending money, that conditions issuance of a debt or security instrument on loan insurance by the authority, as described in §31-15-8a(b)(2) of this code.

(b) *Loan for broadband deployment.* —

(1) The loan previously authorized by 12-6C-11(h) of this code is hereby continued, subject to the requirements of this section.

(2) Subject to a liquidity determination and cash availability, the board shall provide a nonrecourse revolving loan to the authority, from the Consolidated Fund, in an amount not to exceed \$80 million, for the purpose of funding the Broadband Loan Insurance Program authorized by §31-15-8a of this code.

(3) The board shall make the loan moneys available to the authority upon receipt of the following:

(A) A written request by the authority that the board transfer a specific amount of loan moneys to the authority; and

(B) A written statement by the authority certifying that the authority is in full compliance with all applicable provisions of

federal and state law, as well as any agreements entered into with the board.

(4) The authority may not award an amount of the loan moneys exceeding \$20 million, in any single calendar year, to insure the debt or security instruments, or costs related thereto, of any one broadband provider.

(5) The authority shall maintain the loan moneys made available pursuant to this section in an account that is separate and segregated from its other assets and programs. The loan moneys may not be transferred to any other fund or account or used for any purpose other than to insure debt and security instruments, as expressly authorized in §31-15-8a of this code. The authority may withdraw the loan moneys from the account only as provided in §12-6C-11a(d) of this code.

(6) The authority may not deduct or use any amount of loan moneys transferred pursuant to this subsection to pay for the authority's operating or administrative expenses.

(c) *Loan terms and requirements.* —

(1) The loan authorized by this subsection shall be classified by the board as a long-term fixed income investment and shall bear interest on the outstanding principal balance of the loan at a variable interest rate equal to the 12-month average of the board's yield on its West Virginia Money Market pool. The rate shall be set on July 1, 2017, and adjusted quarterly during each year thereafter. The maximum annual adjustment may not exceed one percent.

(2) The loan authorized by this section is nonrecourse. Upon payment in full of any said insured debt instruments or release in full of any security instruments, the authority shall reduce the outstanding balance of the loan by a like amount. Additionally, quarterly, the authority shall determine the outstanding balance of all such insured debt and security instruments and shall accordingly adjust the outstanding balance of the loan to equal the outstanding

obligations of the authority for all said insured debt and security instruments. The authority shall notify the board, in writing, of any such adjustment.

(3) The loan is secured by a security interest that pledges and assigns the cash proceeds of all collateral securing all insurance agreements entered into by the authority pursuant to §31-15-8a of this code. In the event moneys received by the authority respecting any individual insured debt or security instrument relating to providing broadband service under §31-15-8a of this code is insufficient to pay when due the principal or interest installments, or both, with respect to the loan authorized by this section by the board to the authority, the principal or interest, or both, as the case may be, due on the loan made to the authority pursuant to this section shall be deferred and any and all past-due principal and interest payments shall promptly be paid to the fullest extent possible upon receipt by the authority of all moneys respecting said debt instruments.

(d) *Withdraw of moneys in event of default.* – The authority may withdraw loan moneys from the separate and segregated account required by §12-6C-11a(b)(5) of this code, only in the event that a broadband provider has defaulted on a debt instrument or security interest insured by the authority. The loan monies may not be used for any purpose other than to pay amounts due to a financial institution resulting from the broadband provider’s default, according to a loan insurance agreement entered into pursuant to §31-15-8a of this code. Prior to withdrawing any amount of loan monies from the separate and segregated account, the authority shall provide notice of the default to the board and certify to the board that:

(1) The broadband provider has defaulted on a debt instrument or security interest insured by the authority and the broadband provider does not have the option to enter into a forbearance agreement with the financial institution; and

(2) The authority has pursued or will pursue any reasonable remedies to recoup the costs to the state resulting from the default,

including but not limited to instituting a legal action to seize the collateral described in §12-6C-11a(c)(3) of this code.

(e) *Inspection of Records.* – Within 30 days of receiving a written request from the board, the authority shall provide the board with the opportunity to inspect and copy any records in the custody of the authority related to the Broadband Loan Program. Records to be made available pursuant to this subsection include, but are not limited to, accounting records, loan insurance applications, loan insurance agreements, board minutes, audit reports, and transaction records. Records of the authority that may be held from time to time by the board pursuant to this subsection shall not be considered public records and shall be exempt from disclosure pursuant to the provisions of §29B-1-1 *et seq.* of this code.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 295 was then read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 295 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Hamilton—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 295) passed.

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

Eng. Com. Sub. for Senate Bill 295—A Bill to amend and reenact §12-6C-11 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §12-6C-11a; to amend and reenact §31-15-8 of said code; and to amend said code by adding thereto a new section, designated §31-15-8a, all relating generally to economic development loans and loan insurance issued by the state; clarifying provision stating that the Board of Treasury Investments has no fiduciary duty with regard to economic development loans administered by the Economic Development Authority; providing that the Board of Treasury Investments may inspect and copy, upon written notice, all records related to loans made available by the board to the Economic Development Authority and providing that such records shall not be considered public records and shall be exempt from disclosure pursuant to the provisions of chapter 29B of the code; defining terms; limiting the total amount of loan moneys that the board shall make available to the authority for the Broadband Loan Insurance Program to \$80 million; establishing requirements that must be met before broadband loan insurance moneys will be made available to the authority; limiting the amount of loan insurance that the authority may award in a single year to a single broadband provider to \$20 million; providing that the authority shall maintain broadband loan insurance loan moneys in a separate and segregated account; providing that broadband loan insurance moneys may only be drawn upon in the event of a broadband provider default on an insured debt or security instrument; clarifying that the authority may not deduct administrative or operational costs from broadband loan insurance loan moneys; setting forth requirements that must be met before the authority may withdraw loan insurance moneys in the event of a broadband provider's default; providing that the authority may only use loan insurance moneys to satisfy certain obligations arising under a loan insurance agreement; requiring the authority to submit quarterly reports to the Joint Committee on Government and Finance and to the Governor containing certain information related to its loan insurance program; requiring the authority to

make application forms for broadband loan insurance publicly available on its website; establishing the minimum information an applicant for broadband loan insurance shall be required to submit to the authority; establishing minimum criteria that the authority must consider in its broadband loan insurance application review process; establishing that the authority may provide loan insurance for eligible broadband providers pursuant to awards made by federally funded broadband expansion programs; providing that the authority may not issue loan insurance to a broadband provider that has previously defaulted on any debt or security instrument insured by the authority; requiring the authority to post certain information regarding loan insurance agreements on its website; requiring the authority to adhere to certain accounting and record-keeping practices; requiring the authority to submit quarterly reports to the Board of Treasury Investments, the Joint Committee on Government and Finance, and the Governor containing certain information on insured loans and broadband projects financed by insured loans; requiring a biennial legislative audit of the Broadband Loan Insurance Program; removing obsolete language; and making technical corrections.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Hamilton—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 295) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 1, Providing for parity of payment for telehealth services between service in-person and service provided through telehealth platform.

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

On motion of Senator Maroney, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page three, section seven-b, line thirty-five, after the word “encounters” by inserting the words “after July 1, 2021”;

On page three, section seven-b, line thirty-eight, after the word “telehealth” by inserting the words “after July 1, 2021”;

On page four, section twenty-eight, line two, after the word “encounters” by inserting the words “after July 1, 2021”;

On page four, section twenty-eight, line five, after the word “telehealth” by inserting the words “after July 1, 2021”;

On page twenty-one, section one, line thirty-nine, after the word “code” by inserting the words “which issues, renews, amends, or adjusts a plan, policy, contract, or agreement after July 1, 2021,”;

And,

On page twenty-one, section one, line forty-two, after the word “code” by inserting the words “which issues, renews, amends, or adjusts a plan, policy, contract, or agreement after July 1, 2021,”.

The bill (Com. Sub. for S. B. 1), as amended, was then ordered to engrossment and third reading.

Senate Bill 61, Expanding Coyote Control Program through voluntary assessment on breeding cows.

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

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

On page one, section six-e, line fifteen, after the word “age” by striking out the words “sheep and goats” and inserting in lieu thereof the words “sheep, goats, and/or cows”.

The bill (S. B. 61), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 244, Making it unlawful for public utility to prohibit customers from hiring contractors to construct, install, or maintain connections to public utility.

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

On motion of Senator Martin, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 3. DUTIES AND PRIVILEGES OF PUBLIC UTILITIES SUBJECT TO REGULATIONS OF COMMISSION.

§24-3-2. Discrimination prohibited.

(a) No public utility subject to the provisions of this chapter ~~shall~~ may, directly or indirectly, by any special rate, rebate,

drawback or other device or method, charge, demand, collect, or receive from any person, firm, or corporation, a greater or less compensation, for any service rendered or to be rendered, than it charges, demands, collects, or receives from any other person, firm, or corporation for doing a like and contemporaneous service under the same or substantially similar circumstances and conditions.

(b) It ~~shall be~~ is unlawful for any public utility subject to the provisions of this chapter to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation or locality, or any particular character of traffic or service, in any respect whatsoever, or to subject any particular person, firm, corporation, company or locality, or any particular character of traffic or service, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

(c) No public service district or municipality that owns and operates a water or sewer public utility may prohibit a customer or contractor of a customer, at the customer's expense, from constructing, installing, or maintaining any connections, extensions, or other infrastructure necessary for the customer to connect to the public utility if all the following requirements are met:

(1) The customer or the utility shall file an extension agreement with the commission in accordance with the rules of the commission and obtain commission approval prior to executing or implementing the agreement. The commission may specify that the actual connection to the public utility be made by the public utility or in the presence of the public utility if the commission deems so reasonably necessary to protect public utility assets or the public.

(2) The customer's plans and all work pursuant thereto shall meet and may, but need not, exceed the public utility's standards and practices: *Provided*, That the commission may, upon request by the customer or public utility, do any or all of the following:

(A) Negate any standards and practices not set forth in state or federal law that the commission deems unreasonable or discriminatory;

(B) Impose reasonable standards and practices that protect the public utility's assets.

(3) The customer or customer's contractors, if any, performing the work shall meet and may, but need not, exceed those qualifications required by the public utility for the applicable type of work: *Provided*, That the commission may, upon request by the customer or public utility, do any or all of the following:

(A) Negate any qualifications not set forth in state or federal law that the commission deems unreasonable or discriminatory;

(B) Impose reasonable qualifications on the customer or customer's contractors, if any, performing the work that protect the public utility's assets;

(C) Approve any customer or contractor the commission deems qualified to perform such work and responsible: *Provided*, That the commission may impose such obligations upon any customer or contractor it deems necessary to protect the public utility's assets.

(4) The customer shall submit plans concerning all public utility construction, installations, extensions, and connections to the applicable public service district or municipality at least 30 days prior to any connection to the public utility or any other work that could affect the public utility.

(5) The customer shall make all stages of work relating to the public utility available for inspection by the public service district or municipality at the public utility's expense.

(6) The customer shall share the final construction plans, if any, with the public utility; and

(7) The customer or owner shall, upon completion of construction and connection to the public utility, transfer

ownership of such connections, extensions, property, plants, rights-of-way, and easements to the public utility: *Provided, That no transfer of ownership must be accepted by a public utility past any service meter.*

~~(d) Nothing in~~ This section ~~shall be construed to~~ does not prevent the commission from:

~~(a)~~ (1) Authorizing or requiring any rate design consistent with the purposes and policies set forth in §24-2A-1 *et seq.* of this code; or

~~(b)~~ (2) Authorizing a private water, sewer, or combined water and sewer utility to voluntarily implement a rate design featuring reduced rates and charges for service to qualifying low-income residential customers.

Following discussion,

The question being on the adoption of Senator Martin's amendment to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 244), as amended, was then ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 7, Limiting political activity by public employees.

Com. Sub. for Senate Bill 42, Creating Zombie Property Remediation Act of 2021.

Senate Bill 67, Relating to authority of Emergency Medical Services Advisory Council.

Com. Sub. for Senate Bill 79, Providing fair mechanism for adjudication of requests for relocation of parent with child.

Senate Bill 89, Exempting certain kindergarten and preschool programs offered by private schools from registration requirements.

Com. Sub. for Senate Bill 182, Authorizing miscellaneous agencies and boards to promulgate legislative rules.

Com. Sub. for Senate Bill 270, Providing for collection of tax by hotel marketplace facilitators.

Com. Sub. for Com. Sub. for Senate Bill 275, Relating generally to WV Appellate Reorganization Act of 2021.

Senate Bill 296, Relating generally to repealing certain rules.

And,

Senate Bill 372, Providing greater discretion to WV Board of Medicine to approve graduate clinical training.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Ihlenfeld, Azinger, Takubo, Tarr, and Stollings.

At the request of Senator Azinger, and by unanimous consent, the Senate stood in observance of a moment of silence in recognition of the passing of Rush Limbaugh, a former radio personality and political commentator.

At the request of Senator Lindsay, unanimous consent being granted, the remarks by Senator Ihlenfeld were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Takubo, and by unanimous consent, a leave of absence for the day was granted Senator Hamilton.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 19, 2021:

Senate Bill 19: Senator Grady;

Senate Bill 29: Senator Woodrum;

Senate Bill 42: Senator Lindsay;

Senate Bill 49: Senator Lindsay;

Senate Bill 54: Senator Karnes;

Senate Bill 58: Senator Karnes;

Senate Bill 73: Senator Lindsay;

Senate Bill 74: Senator Karnes;

Senate Bill 77: Senator Karnes;

Senate Bill 87: Senator Karnes;

Senate Bill 90: Senator Karnes;

Senate Bill 92: Senator Grady;

Senate Bill 103: Senator Grady;

Senate Bill 246: Senator Karnes;

Senate Bill 269: Senator Karnes;

Senate Bill 279: Senator Karnes;

Senate Bill 284: Senator Karnes;

Senate Bill 325: Senator Grady;

Senate Bill 340: Senator Karnes;

Senate Bill 341: Senator Karnes;

Senate Bill 343: Senator Grady;

Senate Bill 344: Senator Lindsay;

Senate Bill 347: Senators Lindsay and Grady;

Senate Bill 361: Senators Woelfel, Ihlenfeld, Plymale, Phillips, Smith, Trump, Roberts, and Karnes;

Senate Bill 362: Senators Baldwin, Phillips, Clements, Stollings, and Maroney;

Senate Bill 365: Senators Phillips, Smith, Roberts, and Martin;

Senate Bill 367: Senator Martin;

Senate Bill 368: Senators Stollings, Plymale, Phillips, Woelfel, and Smith;

Senate Bill 369: Senators Phillips, Smith, Swope, Karnes, and Grady;

Senate Bill 371: Senators Plymale, Smith, Jeffries, Maroney, and Roberts;

Senate Joint Resolution 1: Senator Karnes;

Senate Joint Resolution 6: Senator Karnes;

Senate Joint Resolution 7: Senator Karnes;

Senate Joint Resolution 8: Senator Rucker;

Senate Concurrent Resolution 5: Senator Martin;

Senate Concurrent Resolution 7: Senators Stollings, Phillips, and Woelfel;

And,

Senate Resolution 8: Senator Karnes.

Pending announcement of meetings of standing committees of the Senate, including a minority party caucus,

On motion of Senator Takubo, at 12:07 p.m., the Senate adjourned until tomorrow, Tuesday, February 23, 2021, at 11 a.m.

TUESDAY, FEBRUARY 23, 2021

The Senate met at 11 a.m.

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

Prayer was offered by Tanner Keen, Senate Intern for the Committee on Transportation and Infrastructure and the Committee on Banking and Insurance, Wheeling, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert D. Beach, a senator from the thirteenth district.

Pending the reading of the Journal of Monday, February 22, 2021,

At the request of Senator Woodrum, 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. Com. Sub. for House Bill 2008—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-3C-14; to amend and reenact §21-14-2 and §21-14-7 of said code; to amend and reenact §21-16-2, §21-16-3, §21-16-5, and §21-16-8 of said code; to amend said code by adding thereto a new section, designated §21-16-11; to amend and reenact §29-3B-2, §29-3B-3, §29-3B-4, §29-3B-6, and §29-3B-8 of said code; and to amend and reenact §29-3D-2, §29-3D-3, §29-3D-4, §29-3D-6, and §29-3D-7 of said code, all relating to licensure in this state; providing for state code precedence over local ordinances; providing for altered definitions of a Journeyman and Master plumber; providing for monetary penalties for improperly performing plumbing work under certain conditions; providing for altered definitions of HVAC Technician; providing that an applicant for a HVAC technician license must only provide documentation of up to 2,000 hours work, training, and experience; providing for monetary penalties for improperly performing HVAC work under certain conditions; providing for veterans who meet certain conditions be eligible for HVAC technician licensure; providing for altered definitions of Journeyman and Master electricians; providing for exemptions for licensure under certain conditions; providing for extended time frames for electricians to renew a license without retesting; providing for monetary penalties for improperly performing electrical work under certain conditions; providing for definitions of fire protection workers; providing for an altered definition of Journeyman sprinkler fitter; providing for an exemption from licensure when meeting certain conditions; providing for monetary penalties for improperly performing fire protection work; and providing for other minor technical changes.

Referred to the Committee on Government Organization.

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 2253—A Bill to amend and reenact §29-22-12 of the Code of West Virginia, 1931, as amended, relating to forgery and other crimes concerning lottery tickets; requiring any sentencing be by determinate sentence.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 80, Allowing for administration of certain small estates by affidavit and without appointment of personal representative.

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

Com. Sub. for Senate Bill 80 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §44-1-28 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §44-1A-1, §44-1A-2, §44-1A-3, §44-1A-4, and §44-1A-5, all relating to payment of small sums to spouse or distributees of decedents upon whose estates there have been no qualifications; allowing the administration of small estates containing under \$50,000 in personal property and under \$100,000 in real property by affidavit and without appointment of a personal representative; providing for a short title; providing for definitions; identifying affidavit contents and form; establishing duties of fiduciary supervisor and clerk of the county commission; setting forth requirements for death certificate, proof of residence, and bond; setting forth form of affidavit; providing for issuance of certificates and authorization of small estates; setting forth requirements for objections by interested parties and revocation of certificate and authorization; rescinding of certificates and authorization when determination is made that estate does not qualify; detailing methods for payment or delivery of small assets to authorized successors; discharging and releasing payors; setting forth fiduciary duty of authorized

successor; detailing treatment of real estate in a small estate; and providing for applicability.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Finance has had under consideration

Eng. House Bill 2019, Elevating Economic Development and Tourism Departments.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills and joint resolution were considered introduced, read by their titles, and referred to the appropriate committees:

By Senator Maroney:

Senate Bill 397—A Bill to amend and reenact §11-27-39 of the Code of West Virginia, 1931, as amended, relating to the health care provider tax; defining terms; modifying effective date; and removing expiration date for the tax.

Referred to the Committee on Finance.

By Senator Maroney:

Senate Bill 398—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-29, relating to a moratorium on coverage under the West Virginia Public Employees Insurance Act unless the employer is the state, its boards, agencies, commissions, departments, institutions, or spending units, or a county board of education.

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

By Senator Maroney:

Senate Bill 399—A Bill to amend and reenact §16-5N-3 of the Code of West Virginia, 1931, as amended, relating to residential care communities that encourage and promote the development and utilization of quality residential communities for persons who desire to live independently or who may require limited and intermittent nursing care in a normal home environment; and amending the requirement of an annual report to the Legislature providing specified information being continuously available to the public at all times on the Office of Health Facility Licensure and Certification's website.

Referred to the Committee on Health and Human Resources.

By Senators Clements, Swope, and Roberts:

Senate Bill 400—A Bill to amend and reenact §54-2-12, §54-2-13, §54-2-14, §54-2-14a, §54-2-15, §54-2-16, §54-2-18, and §54-2-21, of the Code of West Virginia, 1931, as amended, all relating to bringing the statutory interest rate to be paid in condemnation cases into conformity with current statutory rates; and making revisions to meet legislative standards.

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

By Senator Nelson:

Senate Bill 401—A Bill to amend and reenact §46A-1-102 of the Code of West Virginia, 1931, as amended; to amend and reenact §46A-2-122 of said code; to amend and reenact §46A-5-101, §46A-5-104, and §46A-5-106 of said code; and to amend and reenact §46A-6-106 of said code, all relating to the Consumer Credit and Protection Act; excluding checking, savings, and other depository accounts from the definition of “services”; excluding a party collecting on its own debt from the definition of “debt collector”; establishing an actual loss threshold of \$5,000 for the certification of a class action; limiting recovery of each individual within a class to the greater of \$1,000 per claim penalty or the total outstanding indebtedness; reducing the current statute of limitations from four years to one year; reducing stator penalties to \$1,000 per claim from \$1,000 per violation; limiting recoverable attorney’s fees to four times the award; updating the adjustment for inflation from September 2015 to September 2021; and prohibiting class actions under article 6 of the act.

Referred to the Committee on the Judiciary.

By Senator Azinger:

Senate Bill 402—A Bill to amend and reenact §48-13-801 of the Code of West Virginia, 1931, as amended, relating to tax exemption for child support due.

Referred to the Committee on Finance.

By Senator Azinger:

Senate Bill 403—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §37D-1-1, §37D-1-2, §37D-1-3, §37D-1-4, §37D-1-5, §37D-1-6, §37D-2-1, §37D-2-2, §37D-2-3, §37D-2-4, §37D-2-5, §37D-2-6, §37D-2-7, and §37D-2-8, all relating to creating the Timber Cotenancy Modernization and Majority Protection Act and the Unknown and Unlocatable Timber Interest Owners Act; permitting the harvest of timber by fewer than all the interest owners under certain conditions; providing an exception to waste and trespass;

providing short titles; providing declarations of public policy and legislative findings; providing definitions; providing that consent for the lawful use and harvesting of timber by the persons owning an undivided three fourths of the royalty interests, as defined, in the timber estate is permissible, is not waste, and is not trespass; providing that nonconsenting co-tenants may elect a harvest royalty interest or a working interest share of harvest; providing that interests owned by unknown or unlocatable owners be reserved, reported, and deposited in a fund hereby created, known as the Unknown and Unlocatable Timber Interest Owners Fund to be administered by the State Treasurer in conjunction with the West Virginia Uniform Unclaimed Property Act; providing methods for determination of leasehold and contractual terms, including reviews and determinations; providing liability protection for damages resulting from the lawful use or harvesting of timber; requiring surface use agreements in specified circumstances; providing a mechanism for surface owners to acquire title to certain harvested timber interests; preserving common law rights; providing reporting requirements and administrative duties, including civil penalties for noncompliance under the West Virginia Uniform Unclaimed Property Act; providing for rule-making authority; providing crediting of interest to owner's accounts; and providing an effective date of July 1, 2021.

Referred to the Committee on the Judiciary.

By Senator Smith:

Senate Bill 404—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-6A-7a, relating to modifications of well work permits issued by the Department of Environmental Protection's Office of Oil and Gas.

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

By Senator Phillips:

Senate Bill 405—A Bill to amend and reenact §22-30-3 of the Code of West Virginia, 1931, as amended, relating to altering the definition of "aboveground storage tank".

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 406—A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to removing Hepatitis B vaccine from the list of compulsory immunizations.

Referred to the Committee on Health and Human Resources.

By Senator Smith:

Senate Bill 407—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5k, relating to the assessment of a wildlife impact fee by the Director of the Division of Natural Resources on operators of wind power projects that injure or kill a protected species of animal.

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

By Senator Smith:

Senate Bill 408—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-6b; to amend said code by adding thereto a new section, designated §17-3-11; and to amend said code by adding thereto a new article, designated §17-30-1, §17-30-2, §17-30-3, §17-30-4, and §17-30-5, all relating generally to enhancing maintenance and repair of the state's roads and highways; establishing roads accountability and transparency; directing the State Auditor to develop and maintain a searchable website of funding actions and expenditures relating to state and public roads; setting forth the minimum content to be contained in the website; directing the Commissioner of Highways to provide information and data to the State Auditor; requiring an annual update to the Joint Committee on Government and Finance; creating the Special Road Repair Fund as a subaccount of the State Road Fund; authorizing the commissioner to transfer certain funds into the subaccount for certain purposes; creating the Enhanced Road Repair and Maintenance Program; stating legislative findings and purpose of

program; requiring Division of Highways county supervisors consult with county commissions and legislators to submit project requests to the Division of Highways; setting forth a funding formula; setting forth requirements concerning bidding, vendors, and contracts with private vendors; specifying uses of Special Road Repair Fund; defining terms; providing requirements for commissioner of Highways and districts; requiring for rulemaking; and requiring reporting by Division of Highways and Legislative Auditor.

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

By Senator Smith:

Senate Bill 409—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-10-1, relating to transferring child welfare enforcement responsibilities to the West Virginia State Police; transferring employees, funds, and property of the Department of Health and Human Resources to the West Virginia State Police; providing that transferred employees remain in the Civil Service System, continue to participate in Public Employees Retirement System Insurance, and continue to be covered by the Public Employees Insurance Act; and requiring rulemaking.

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

By Senator Smith:

Senate Bill 410—A Bill to amend and reenact §23-4-15 of the Code of West Virginia, 1931, as amended, relating to clarifying that the time limitations provided for filing occupational pneumoconiosis claims do not apply or otherwise limit the ability of a claimant to obtain an evaluation from the Occupational Pneumoconiosis Board.

Referred to the Committee on Banking and Insurance.

By Senator Smith:

Senate Bill 411—A Bill to amend and reenact §62-12-9 of the Code of West Virginia, 1931, as amended, relating to requiring probationers who have served 10 or more years to participate in a work release program and spend six months in a work release center; and requiring that 70 percent of their earnings be held in an account and provided to them at the successful completion of the six-month period.

Referred to the Committee on the Judiciary.

By Senator Smith:

Senate Bill 412—A Bill to amend and reenact §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to pollution control facilities tax treatment; clarifying that wind power projects are not pollution control facilities for purposes of this article; and providing that wind power projects be taxed at the real property rate.

Referred to the Committee on Finance.

By Senator Smith:

Senate Bill 413—A Bill to amend and reenact §46A-6B-3 of the Code of West Virginia, 1931, as amended, relating to the use of aftermarket crash parts by a motor vehicle repair shop; and requiring new original equipment parts be used in order to maintain the manufacturer's warranty.

Referred to the Committee on Transportation and Infrastructure.

By Senator Smith:

Senate Bill 414—A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to termination of parental rights in certain cases; and requiring the Department of Health and Human Resources to file a petition to terminate parental rights when a parent has, on two separate

occasions, had their child removed from their care and determined by a court to have subjected that child to abuse or neglect.

Referred to the Committee on the Judiciary.

By Senator Smith:

Senate Bill 415—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt, relating to allowing county commissions to impose an amusement tax.

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

By Senator Smith:

Senate Bill 416—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, §16-2Q-2, §16-2Q-3, §16-2Q-4, §16-2Q-5, §16-2Q-6, §16-2Q-7, §16-2Q-8, §16-2Q-9, §16-2Q-10, and §16-2Q-11, all relating to enacting the Fetal Heartbeat Act; prohibiting abortions when a fetal heartbeat is detected; providing that the article applies only to intrauterine pregnancies; providing exceptions; making findings; providing for severability; establishing standards, requirements, and procedures; requiring documentation; requiring notice and acknowledgments; establishing criminal penalties; permitting civil actions; defining terms; and providing for rulemaking.

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

By Senator Smith:

Senate Bill 417—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-28; to amend said code by adding thereto a new section, designated §26-5-2; and to amend said code by adding thereto a new section, designated §26-9-3, all relating to providing long-term care and substance abuse treatment; authorizing the Secretary

of the Department of Health and Human Resources to modernize or build new facilities; requiring certified beds for long-term care and substance abuse treatment; requiring facilities for outpatient substance abuse treatment; requiring the hiring of adequate professional classified staff; and replacing an outdated reference in code to Pinecrest Hospital with the correct name of Jackie Withrow Hospital.

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

By Senators Jeffries, Baldwin, Beach, Caputo, Ihlenfeld, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 418—A Bill to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Economic Development Authority; creating a Small Business and Minority Populations Economic and Workforce Development Taskforce to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment, labor force participation, and economic development problems of small business and low income and minority populations of West Virginia; and developing a pilot project that can be used as a model to promote the growth and development of small business to increase employment and labor force participation across West Virginia.

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

By Senator Sypolt:

Senate Bill 419—A Bill to amend and reenact §61-7-2 of the Code of West Virginia, 1931, as amended, relating to definitions of dangerous weapons; and redefining “firearm” so as not to be more restrictive than the federal definition.

Referred to the Committee on the Judiciary.

By Senator Beach:

Senate Bill 420—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-29-1, §47-29-2, §47-29-3, and §47-29-4, all relating to menstrual product labeling; and providing a civil penalty.

Referred to the Committee on Health and Human Resources.

By Senator Tarr:

Senate Bill 421—A Bill to amend and reenact §21A-2-6 of the Code of West Virginia, 1931, as amended, relating to the general powers and duties of the Commissioner of Workforce West Virginia; and authorizing the agency to hire additional employees to serve at the will and pleasure of the commissioner.

Referred to the Committee on Government Organization.

By Senator Trump:

Senate Bill 422—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 that common law corporate “veil piercing” claims may not be used to impose personal liability on a member or manager of a limited liability company; and nullifying the Supreme Court of Appeals of West Virginia’s decision in *Joseph Kubican v. The Tavern, LLC*. 232 W.Va. 268, 752 S.E.2d 299 (2013).

Referred to the Committee on the Judiciary.

By Senator Karnes:

Senate Bill 423—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-16G-10, relating to prohibiting abortion coverage in qualified health care plans issued or renewed on or after January 1, 2022; and providing an exception to the prohibition when a mother’s life is in danger.

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

By Senator Karnes:

Senate Bill 424—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13KK-1, §11-13KK-2, §11-13KK-3, and §11-13KK-4, all relating to creating a fixed income credit for low-income senior citizens; establishing procedures for claiming credit; and defining terms.

Referred to the Committee on Finance.

By Senator Karnes:

Senate Bill 425—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-14, relating to permitting members of public retirement plans to cash out of their plans by opting to receive, in lieu of regular benefit payments, the total cash value of those benefits.

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

By Senator Karnes:

Senate Bill 426—A Bill to amend and reenact §16-3-10 of the Code of West Virginia, 1931, as amended, relating to clarifying the rights of a parent or legal guardian in declining specific required medication administered to a child at birth; permitting parents or legal guardians of newborn children to refuse certain medication that has been mandated for newborns; requiring that parents and legal guardians be made aware of the dangers of not receiving the otherwise required medication; providing for notation in medical records; providing for limitation of liability; prohibiting a refusal by the parents or legal guardian from being admissible in certain legal actions or investigations of those parents or legal guardians; and prohibiting discipline or penalties to certain health care professionals when a parent or legal guardian has refused or declined the otherwise mandated medication.

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

By Senator Karnes:

Senate Bill 427—A Bill to amend and reenact §22-1-6 of the Code of West Virginia, 1931, as amended, relating to limiting

employees of the Department of Environmental Protection from entering private lands for environmental protection purposes to only when there is probable cause to believe a violation exists on the property, a warrant has been obtained for the entry, or the express permission of the property owner has been granted.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 428—A Bill to amend and reenact §15A-9-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §62-12-12 of said code, all relating to transferring the Parole Board to the Office of Administrative Hearings; specifying that the Chief Hearing Examiner be a resident of the state for five years prior to appointment; removing limitations of practice for the Chief Hearing Examiner; requiring that the Governor appoint the Chief Hearing Examiner; requiring that the Governor set the salary of the Chief Hearing Examiner; increasing the number of members of the Parole Board to 10; making the Chief Hearing Examiner a member of the Parole Board; removing the political party affiliation requirement; removing the residency requirements pertaining to congressional districts; requiring that the Chief Hearing Officer shall be chair of the board; clarifying that the remaining nine members of the board serve at the will and pleasure of the Governor, with the advice and consent of the Senate; specifying the powers and duties of the vice chairperson shall be limited to Parole Board duties; removing the authority of the chair to hire an administrative employee; authorizing the Chief Hearing Officer to sit on parole panels as necessary; clarifying that the qualifications for board members may include being a graduate of a federal or state law-enforcement academy; removing the requirement that Parole Board members be appointed for overlapping six-year terms; clarifying that temporary members serve at the will and pleasure of the Governor; exempting the board from open meetings; and requiring that parole hearings be open to the public.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 429—A Bill to amend and reenact §5A-3-3a of the Code of West Virginia, 1931, as amended, relating to exempting the Division of Emergency Management from the Purchasing Division for purposes of examination and approving contracts of the Division of Emergency Management; authorizing the agency for surplus property to transfer funds generated from the sale of vehicles, other equipment, and commodities belonging to the Division of Emergency Management to a special revenue account; creating a special revenue account entitled the West Virginia Division of Emergency Management surplus transfer account; and authorizing the Division of Emergency Management to expend funds in a special revenue account for Statewide Interoperable Radio Network equipment, maintenance, repair, and construction.

Referred to the Committee on Government Organization.

By Senator Weld:

Senate Bill 430—A Bill to amend and reenact §36-3-5 of the Code of West Virginia, 1931, as amended, relating to modifying the form of certain deeds.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 431—A Bill to amend and reenact §18-8-11 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Education to provide electronic notice of school attendance and satisfactory progress to the Division of Motor Vehicles in lieu of requiring each student to provide a paper notice.

Referred to the Committee on Education.

By Senator Weld:

Senate Bill 432—A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to annual business fees to be paid to the Secretary of State; and including in the definition of “veteran”, as that term pertains to veteran-owned businesses, the legal spouse of a veteran.

Referred to the Committee on Military.

By Senator Smith:

Senate Joint Resolution 9—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to exempting veterans who are 100 percent disabled from paying ad valorem real property taxes; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senator Takubo offered the following resolution:

Senate Concurrent Resolution 8—Requesting the Division of Highways name bridge number 20-077/00-081.90 (20A679), locally known as Dry Branch, carrying S 77 over Dry Branch and WV 79/1 in Kanawha County, the “Fire Chief Kenneth Junior Russell Memorial Bridge”.

Whereas, Kenneth Junior Russell was born in Marting, West Virginia, on October 19, 1944, the son of Elijah Thomas Russell and Monnie Ethel Russell. He was a proud retired coal miner from Carbon Fuel Coal Company where he was a continuous miner at the No. 9 mine; and

Whereas, Kenneth Junior Russell was a charter member of the Cabin Creek Volunteer Fire Department in Eskdale, West Virginia, where he joined on July 30, 1970, and served for 38 years, 30 years of which were as chief, eight years as President of the Cabin Creek Volunteer Fire Department Board of Directors. His significant contributions have been profound to the fire-rescue profession, the organization, and most importantly, the communities of which he so proudly served over his longstanding public service career; and

Whereas, Kenneth Junior Russell’s stellar leadership, devotion to duty, and his dedication to fellow emergency workers have always been value-driven through a high sense of integrity,

commitment, and compassion. Concerned about providing needed water for the Cabin Creek area, Fire Chief Kenneth Junior Russell, along with members of the Cabin Creek Volunteer Fire Department, worked with West Virginia American Water to provide Cabin Creek residents much needed safe and potable water, and increased fire protection for the Cabin Creek area. Kenneth Junior Russell was presented the Distinguished Mountaineer Award in 2010 by Governor Joe Manchin III; and

Whereas, Kenneth Junior Russell married the love of his life, Linda Joyce Castle in 1962, and the two were married for 34 years. Kenneth Junior Russell passed away on August 27, 2020. He is survived by his daughter, Monnie Kay Russell; daughter in law Tracy Castle; grandson Travis L. Castle and wife Christine; granddaughter Crystal Castle, great-grandson Oscar “Tootie” Castle; brother Frank Russell; brother Glen Russell; sister Dorothy Cockernham and husband Steve; sister Wanda Wood and a plethora of nieces and nephews. He was preceded in death by his wife, Linda Joyce Russell, son Walter Lee Castle, daughter Cinda Russell, father Elijah Thomas Russell, mother Monnie Ethel Russel, and sister Carol Gay; and

Whereas, The Cabin Creek community mourn the loss of their founding chief who served to protect his fellow man and advance the common good, and sympathy on their behalf is extended to his family, loved ones, to his many friends, to members of the Cabin Creek Volunteer Fire Department family with whom he served faithfully and honorably, and to all those who knew and loved him; and

Whereas, It is fitting that an enduring memorial be established to commemorate Fire Chief Kenneth Junior Russell and his contributions to our state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-077/00-081.90 (20A679), locally known as Dry Branch, carrying S 77 over Dry Branch and WV 79/1 in Kanawha

County, the “Fire Chief Kenneth Junior Russell 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 “Fire Chief Kenneth Junior Russell Memorial Bridge”; and, be it

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

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 1, Providing for parity of payment for telehealth services between service in-person and service provided through telehealth platform.

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 1 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 1) passed.

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

Eng. Com. Sub. for Senate Bill 1—A Bill to amend and reenact §5-16-7b of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §9-5-28; to amend and reenact §30-1-26 of said code; to amend and reenact §30-3-13a of said code; to amend and reenact §30-14-12d of said code; and to amend and reenact §33-57-1 of said code, all relating to telehealth services; defining terms; requiring the Public Employees Insurance Agency, Medicaid, and specified insurance plans to reimburse for telehealth services at a negotiated rate for virtual telehealth encounters; requiring the Public Employees Insurance Agency, Medicaid, and specified insurance plans to provide reimbursement for a telehealth service on the same basis and at the same rate as if the service is provided in-person for established patients; establishing a registration; permitting health care practitioners licensed in other states, in good standing, to practice in West Virginia using telehealth services and providing rule-making authority and emergency rule-making authority; setting forth requirements for registration; permitting a fee for registration; placing a cap on the fee; permitting physician-patient relationship to begin with an audio-only call or conversation in real time; providing restrictions and exceptions on prescriptive authority; adding criteria to the standard of care related to telehealth services; providing exceptions, and providing for effective date.

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

Com. Sub. for Senate Bill 12, Relating to local health department accountability.

On third reading, coming up in regular order, with the right having been granted on Friday, February 19, 2021, for amendments to be received on third reading, was reported by the Clerk.

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

On page ten, section eleven, line sixty-nine, after the word “disease.” by changing the period to a colon and inserting the following proviso: *Provided, That the commissioner shall establish a procedure by which adverse determinations by local health departments may be appealed, unless otherwise provided for, for the purpose of ensuring a consistent interpretation of state public health laws and rules of the Department of Health and Human Resources.*

On motion of Senator Karnes, the following amendment to the bill (Com. Sub. for S. B. 12) was next reported by the Clerk:

On page eleven, section eleven, lines eighty-five and eighty-six, by striking out the words “is not subject to approval, unless amended, from” and inserting in lieu thereof the words “shall be reviewed and approved, amended and approved, or disapproved within 10 years by”.

Following discussion and a point of inquiry to the President, with resultant response thereto,

The question being on the adoption of the amendment offered by Senator Karnes to the bill, the same was put and did not prevail.

There being no further amendments offered,

The bill, as just amended by Senator Maroney, was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 12 was then read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 12 pass?”

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—21.

The nays were: Baldwin, Beach, Caputo, Hamilton, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Stover, Unger, and Woelfel—13.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 12) passed.

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

Eng. Com. Sub. for Senate Bill 12—A Bill to amend and reenact §16-2-2, §16-2-6, §16-2-7, §16-2-8, §16-2-9, and §16-2-11 of the Code of West Virginia, 1931, as amended, all relating to local health departments; creating definition; permitting members of the appointing authority to serve as nonvoting, ex officio members of the board; providing the nonvoting member shall not be counted against any other criteria for board membership; permitting appointing authority to remove local health department board member; permitting appointing authority of combined board to remove their own appointed members; requiring the commissioner to establish a procedure for adverse determinations by local health department to be appealed, unless otherwise provided; requiring rules adopted, promulgated, and amended by local boards of health have a public comment published in the State Register and the organization’s web page; setting forth requirement for notice; requiring written comments received during comment period be presented to appointing authority for approval or disapproval in whole or in part within specified time frames;

providing amendments or modifications not approved may be resubmitted; providing that a rule currently in effect is not subject to approval, unless amended, from the county commission or appointing authority; providing emergency rule approval or disapproval procedures within specified time frames; requiring that approved rules shall be filed with the clerk of the county commission or the clerk or the recorder of the municipality, or both, and shall be kept as public records; and requiring state health officer to develop policies and guidelines that each of the local departments must comply with when a statewide public health emergency is declared.

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

Eng. Senate Bill 61, Expanding Coyote Control Program through voluntary assessment on breeding cows.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

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

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

Eng. Com. Sub. for Senate Bill 244, Making it unlawful for public utility to prohibit customers from hiring contractors to construct, install, or maintain connections to public utility.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 244) 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 7, Limiting political activity by public employees.

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

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

On page two, section two, line eight, by striking out the words “(5) The Governor,” and inserting in lieu thereof the words “(5) Publicly elected members of the Board of Public Works;”.

Following discussion,

At the request of Senator Trump, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with Senator Trump's amendment to the bill pending.

Com. Sub. for Senate Bill 42, Creating Zombie Property Remediation Act of 2021.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Senate Bill 67, Relating to authority of Emergency Medical Services Advisory Council.

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 79, Providing fair mechanism for adjudication of requests for relocation of parent with child.

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

Senate Bill 89, Exempting certain kindergarten and preschool programs offered by private schools from registration requirements.

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 182, Authorizing miscellaneous agencies and boards to promulgate legislative rules.

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 270, Providing for collection of tax by hotel marketplace facilitators.

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

Com. Sub. for Com. Sub. for Senate Bill 275, Relating generally to WV Appellate Reorganization Act of 2021.

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

On motion of Senator Tarr, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On pages thirty-three through thirty-seven, by striking out all of section eleven-a and inserting in lieu thereof a new section, designated section eleven-a, to read as follows:

§23-5-11a. Workers' Compensation Board of Review generally; administrative powers and duties of the board; effective July 1, 2022.

(a) The "Workers' Compensation Board of Review", which may also be referred to as "the Board of Review" or "the board" is hereby continued and granted exclusive jurisdiction over all objections to decisions of the Insurance Commissioner, private carriers, and self-insured employers, whichever is applicable, including any and all matters pending before the Office of Judges after September 30, 2022.

(b) The board consists of five members.

(c) The Governor shall appoint, with the advice and consent of the Senate, five attorneys qualified in accordance with subsection (f) of this section to serve as members of the Board of Review. A member of the Board of Review may be removed by the Governor for official misconduct, incompetence, neglect of duty, gross immorality, or malfeasance and then only after notice and

opportunity to respond and present evidence. No more than three of the members of the board may be of the same political party. The Governor shall set the salary of the members of the board: Provided, however, That the annual salary of a member of the Board of Review shall not exceed \$125,000. Members are entitled to be reimbursed for actual and necessary travel expenses incurred in the discharge of official duties in a manner consistent with the guidelines of the Travel Management Office of the Department of Administration.

(d) Of the initial appointments of the two additional seats created during the 2021 Regular Session, one member shall be appointed for a term ending December 31, ~~2006~~ 2025; one member shall be appointed for a term ending December 31, 2027.. Thereafter, The appointments shall be for six-year terms.

(e) A member of the Board of Review must, at the time he or she takes office and thereafter during his or her continuance in office, be a resident of this state, be a member in good standing of the West Virginia State Bar, have a minimum of 10 years' experience as an attorney admitted to practice law in this state prior to appointment and have a minimum of five years' experience in preparing and presenting cases or hearing actions and making decisions on the basis of the record of those hearings before administrative agencies, regulatory bodies or courts of record at the federal, state or local level.

(f) No member of the Board of Review may hold any other office, or accept any appointment or public trust, nor may he or she become a candidate for any elective public office or nomination thereto. Violation of this subsection requires the member to vacate his or her office. No member of the Board of Review may engage in the practice of law during his or her term of office.

(g) A vacancy occurring on the board other than by expiration of a term shall be filled in the manner original appointments were made, for the unexpired portion of the term.

(h) The board shall designate one of its members in rotation to be chair of the board for as long as the board may determine by order made and entered of record. In the absence of the chair, any other member designated by the members present shall act as chair.

(i) The Board of Review shall meet as often as necessary to conduct the board's administrative business and make rules of practice and procedure, at such times and places as the chair may determine. Two members shall be present in order to conduct administrative business and make rules of practice and procedure. All decisions of the board upon administrative matters, pursuant to this section, shall be determined by a majority of the members of the board.

(j) The Board of Review shall, from time to time, promulgate rules of practice and procedure for the review and determination of all objections filed with the board. The board does not have the power to initiate or to promulgate legislative rules as that phrase is defined in §29A-3-1 *et seq.* of this code. Any rules adopted pursuant to this section which are applicable to the provisions of this article are not subject to §29A-3-9 through §29A-3-16 of this code. The board shall follow the remaining provisions of chapter 29A of this code for giving notice to the public of its actions and the holding of hearings or receiving of comments on the rules.

(k) The Board of Review may hire a clerk, hearing examiners, and other professional and clerical staff necessary to carry out the requirements of this article. It is the duty of the clerk of the Board of Review to attend in person, or by deputy, all the sessions of the board, to obey its orders and directions, to take care of and preserve in an office, kept for the purpose, all records and papers of the board and to perform other duties as prescribed by law or required of him or her by the board. All employees of the board serve at the will and pleasure of the board. The board's employees are exempt from the salary schedule or pay plan adopted by the Division of Personnel: *Provided*, That for the purpose of any applicable Division of Personnel Class Specifications, hearing examiners must be classified under a class with "attorney" in the class title.

All personnel of the Board of Review are under the supervision of the ~~chairman~~ chair of the Board of Review.

(l) The administrative expenses of the Board of Review shall be included within the annual budget of the Insurance Commissioner, and the Insurance Commissioner shall have administrative authority and oversight over the Board of Review.

(m) The amendments to this section made during the 2021 Regular Session of the Legislature shall become effective on July 1, 2022: *Provided*, That the board is authorized to promulgate rules and hire staff, pursuant to subsection (k) and (l) of this section respectively, prior to July 1, 2022, to the extent necessary to comply with the requirements of this article that shall become effective on that date.;

And,

On pages fifty-nine through sixty-one, by striking out all of section eight and inserting in lieu thereof a new section, designated section eight, to read as follows:

§51-11-8. Election of judges; initial appointment and election; vacancies; length and conditions of judicial terms.

(a) Judges of the Intermediate Court of Appeals shall be elected on a nonpartisan basis to serve 12-year terms, subject to the exceptions for initial appointments and elections contained in subsection (b) and subsection (c) of this section. Each judge shall be elected by the voters of the counties within the geographical district of the court in which he or she will serve.

(b) *Nomination and appointment to fill initial vacancies.* — The Governor shall appoint, with advice and consent of the Senate, three judges to serve in each district of the Intermediate Court of Appeals. The judges shall be nominated and appointed according to the following procedure:

(1) The Judicial Vacancy Advisory Commission shall, no later than January 1, 2022, compile and certify a list to the Governor of

the eight most qualified persons in each district to serve as judges of the Intermediate Court of Appeals: *Provided*, That each person on the list must meet the requirements of §51-11-7 of this code at the time such person will begin his or her term on the court.

(2) The Governor shall review the list certified by the Judicial Vacancy Advisory Commission and nominate three qualified candidates to serve as judge in each judicial district. The Governor shall make his or her nominations without regard to political partisanship or affiliation.

(3) The initial appointment term for each of the judges, at the discretion of the Governor, shall be as follows: one judge shall be selected to serve a two-year term in each district, one judge shall be selected to serve a four-year term in each district, and one judge shall be elected to serve a six-year term in each district.

(4) Upon confirmation by the West Virginia Senate, an individual appointed to serve as a judge for the Intermediate Court of Appeals pursuant to this subsection shall take an oath of office and commence his or her duties on July 1, 2022.

(c) *Initial election of judges.* — The initial election of the judge in each district appointed for an initial term of two years to the Intermediate Court of Appeals shall take place during the primary election of 2024, and each subsequent initial election shall take place as the initial appointed term is ended. For the purposes of the initial election of judges pursuant to this subsection, the Secretary of State shall, in each district, establish three separate divisions corresponding to the judicial terms on the ballot. The candidates for election in each numbered division shall be tallied separately, and the eligible candidate receiving the highest numbers of votes cast within a numbered division in his or her district shall be elected to serve the corresponding judicial term.

(d) *Regular election of judges.* — Following the initial election of judges pursuant to subsection (c) of this section, during the primary election in every year during which a sitting judge's term will expire, a judge shall be elected to each district of the

Intermediate Court of Appeals to serve a 12-year term commencing on July 1 of that year.

(e) Vacancies. — If a vacancy arises before the expiration of a judicial term, the vacancy shall be filled by the same nomination and appointment process provided in subsection (b) of this Code, subject to the following requirements:

(1) The list of candidates for a single vacancy, submitted to the Governor by the Judicial Vacancy Advisory Commission, shall include the names of no more than the five nor less than the two most qualified persons to fill the judicial vacancy in the Intermediate Court of Appeals.

(2) If the vacancy occurs less than two years and seven months before the expiration of the original term, the judge shall be appointed to fill the vacancy for the length of the unexpired term.

(3) If the vacancy occurs more than two years and seven months before the expiration of the original term, the vacancy shall initially be filled by the nomination and appointment process, followed by a subsequent election, during the next occurring primary election, to fill the vacancy for the length of the unexpired term.

(f) The judges of each district of the West Virginia Intermediate Court of Appeals shall periodically select one judge to serve as chief judge for their respective district, pursuant to rules promulgated by the Supreme Court of Appeals.

(g) No person sitting as a judge of the Intermediate Court of Appeals may retain his or her position as judge upon becoming a candidate for any elected public office, judicial or nonjudicial.

(h) The Legislature recognizes that the Chief Justice of the West Virginia Supreme Court of Appeals has authority to temporarily assign judges to the Intermediate Court of Appeals pursuant to section eight, article VIII of the Constitution of West Virginia, in the event that a judge is temporarily unable to serve on the court.

On motion of Senator Hamilton, the following amendment to the bill (Com. Sub. for Com. Sub. for S. B. 275) was next reported by the Clerk:

On page sixty-three, after line six, by inserting the following:

CHAPTER 56. PLEADING AND PRACTICE.

ARTICLE 6. TRIAL.

§56-6-31. Interest on judgment or decree.

(a) Except where it is otherwise provided by law, every judgment or decree for the payment of money, whether in an action sounding in tort, contract, or otherwise, entered by any court of this state shall bear simple, not compounding, interest, whether it is stated in the judgment decree or not.

(b) Prejudgment — In any judgment or decree that contains special damages, as defined below, or for liquidated damages, the court may award prejudgment interest on all or some of the amount of the special or liquidated damages, as calculated after the amount of any settlements. Any such amounts of special or liquidated damages shall bear simple, not compounding, interest. Special damages include lost wages and income, medical expenses, damages to tangible personal property and similar out-of-pocket expenditures, as determined by the court. If an obligation is based upon a written agreement, the obligation bears prejudgment interest at the rate and terms set forth in the written agreement until the date the judgment or decree is entered and, after that, the judgment interest is the same rate as provided for below in subsection (c) of this section.

(1) Notwithstanding the provisions of section five [§ 47-6-5], article six, chapter forty-seven of this code, the rate of prejudgment interest is two percentage points above the Fifth Federal Reserve District secondary discount rate in effect on January 2, of the year in which the right to bring the action has accrued, as determined by the court and that established rate shall remain constant from that date until the date of the judgement or decree, notwithstanding

changes in the federal reserve district discount rate in effect in subsequent years prior to the date of the judgment or decree: *Provided*, That the rate of the prejudgment interest may not exceed nine percent per annum or be less than four percent per annum. The administrative office of the Supreme Court of Appeals shall annually determine the prejudgment interest rate to be paid upon judgment or decrees for the payment of money and shall take appropriate measures to notify the courts and members of the West Virginia State Bar of the rate of interest in effect for the calendar year in question. Once the rate of prejudgment interest is established as provided in this section, that established rate shall remain constant for the prejudgment interest for that particular judgment or decree, notwithstanding changes in the Federal Reserve District discount rate in effect in subsequent years.

(2) Notwithstanding subsection (b)(1) of this section and section five, article six, chapter forty-seven of this code, for all cases in which the right to bring the action accrued prior to 2009, the court may award prejudgment interest on all or some of the amount of the special or liquidated damages, as calculated after the amount of any settlement, at the interest rate that was in effect as of January 2, of the year in which the right to bring the action accrued.

(c) Post-judgment — Notwithstanding the provisions of section five, article six, chapter forty-seven of this code, the rate of post-judgment interest on judgments and decrees for the payment of money is two percentage points above the Fifth Federal Reserve District secondary discount rate in effect on January 2, of the year in which the judgment or decree is entered: *Provided*, That the rate of post-judgment interest may not exceed nine percent per annum or be less than four percent per annum. The administrative office of the Supreme Court of Appeals shall annually determine the post-judgment interest rate to be paid upon judgments or decrees for the payment of money and shall take appropriate measures to promptly notify the courts and members of the West Virginia State Bar of the rate of interest in effect for the calendar year in question. Once the rate of interest is established by a judgment or decree as provided in this section that established rate shall after that remain

constant for that particular judgment or decree, notwithstanding changes in the Federal Reserve District discount rate in effect in subsequent years.

(d) Notwithstanding subsection (c) of this section, the post-judgment interest on judgments and decrees for the payment of money is two times the rate which would otherwise apply under subsection (c) for any period of time that the judgment or decree is pending on appeal before the West Virginia Intermediate Court of Appeals and the West Virginia Supreme Court of Appeals.

~~(d)~~ (e) Amendments to this section enacted by the Legislature during the 2017 regular session become effective January 1, 2018.

Following extended discussion,

The question being on the adoption of Senator Hamilton's amendment to the bill, the same was put and did not prevail.

Following a point of inquiry to the President, Senator Romano moved that the Senate reconsider its action by which immediately hereinbefore it rejected Senator Hamilton's amendment to the bill (Com. Sub. for Com. Sub. for S. B. 275).

The question being on the adoption of Senator Romano's reconsideration motion, and on this question, Senator Romano demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Caputo, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Martin, Plymale, Romano, Stollings, Stover, Unger, Woelfel, and Woodrum—16.

The nays were: Azinger, Boley, Clements, Karnes, Maroney, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, and Blair (Mr. President)—17.

Absent: Weld—1.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Romano's reconsideration motion had not prevailed.

Thereupon, the bill (Com. Sub. for Com. Sub. for S. B. 275), as amended by Senator Tarr, was then ordered to engrossment and third reading.

Senate Bill 296, Relating generally to repealing certain rules.

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

Senate Bill 372, Providing greater discretion to WV Board of Medicine to approve graduate clinical training.

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

Com. Sub. for Senate Bill 53, Providing person criminally responsible for another's death may not be involved in burial arrangements.

And,

Senate Bill 396, Providing limitations on nuisance actions against fire department or EMS fixed sirens.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on February 22, 2021:

Senate Bill 30: Senator Swope.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution on February 22, 2021:

Senate Bill 30: Senator Hamilton;

Senate Bill 74: Senator Swope;

Senate Bill 80: Senator Swope;

Senate Bill 85: Senator Swope;

Senate Bill 87: Senator Swope;

Senate Bill 121: Senator Nelson;

Senate Bill 286: Senator Swope;

Senate Bill 298: Senator Karnes;

Senate Bill 324: Senator Swope;

Senate Bill 356: Senator Karnes;

Senate Bill 375: Senator Maroney;

Senate Bill 376: Senator Plymale;

Senate Bill 378: Senators Phillips, Woelfel, and Romano;

Senate Bill 379: Senators Plymale, Phillips, and Woelfel;

Senate Bill 380: Senator Romano;

Senate Bill 381: Senators Lindsay, Caputo, Roberts, Clements, Phillips, Woelfel, Stollings, Romano, and Beach;

Senate Bill 384: Senators Lindsay, Woelfel, and Romano;

Senate Bill 388: Senator Phillips;

Senate Bill 390: Senator Stollings;

Senate Bill 391: Senators Roberts and Woelfel;

Senate Bill 392: Senator Lindsay;

Senate Bill 394: Senators Stollings, Romano, Beach, and Baldwin;

And,

Senate Joint Resolution 8: Senator Karnes.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:52 p.m., the Senate adjourned until tomorrow, Wednesday, February 24, 2021, at 11 a.m.

WEDNESDAY, FEBRUARY 24, 2021

The Senate met at 11:03 a.m.

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

Prayer was offered by Jeffrey L. Branham, Senate Doorkeeper, Cross Lanes, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable William J. Ihlenfeld II, a senator from the first district.

Pending the reading of the Journal of Tuesday, February 23, 2021,

At the request of Senator Stover, 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. Com. Sub. for House Bill 2260—A Bill to amend and reenact §49-2-111a of the Code of West Virginia, 1931, as amended, relating to the department's obligations to enter into performance-based contracts with child-placing agencies; extending a deadline; and exempting the contract from purchasing.

Referred to the Committee on Health and Human Resources.

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 2500—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, and §16-63-3, all relating to establishing statewide uniformity for auxiliary container regulations.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Joint Resolution 1—Proposing an amendment to the Constitution of the State of West Virginia, amending section 2, article 12 thereof, relating to education and the supervision of free schools; clarifying that the general supervisory

authority of the State Board of Education is subject to legislative enactments; allowing the board to promulgate rules; requiring rules to be submitted to the Legislature for its review and approval, amendment, or rejection; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

The Senate proceeded to the fourth order of business.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 23rd day of February, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 2358), Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act.

And,

(H. B. 2359), Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Dean Jeffries,
Chair, House Committee.

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

Your Committee on Military has had under consideration

Senate Bill 16, Providing continued eligibility for developmental disability services to dependents of military members.

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

Respectfully submitted,

Ryan W. Weld,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Military.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 39, Prohibiting insurance coverage from requiring prior authorization for tests to stage cancer.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

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

Your Committee on Education has had under consideration

Senate Bill 294, Permitting early closure of Prepaid Tuition Trust Fund.

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

Com. Sub. for Senate Bill 294 (originating in the Committee on Education)—A Bill to amend and reenact §18-30-3, §18-30-4, and §18-30-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-30-6a, all relating generally to savings and investment programs offered by the state; defining terms; reconciling the definition of the term “qualified education expenses” with federal law for college savings program tax benefit purposes; increasing the number of persons on the Board of Trustees of the College Prepaid Tuition and Savings Program; requiring that certain members appointed to the board have experience, knowledge, or skill in a financial field; providing that reasonable efforts shall be made to appoint one member to the board with a CFA; authorizing early closure of the West Virginia Prepaid Tuition Trust Plan and Fund upon depletion of the fund and the election of the board; authorizing the board to expend moneys in the Prepaid Tuition Trust Plan Escrow Fund to satisfy outstanding obligations of the West Virginia Prepaid Tuition Trust Plan; specifying when Prepaid Tuition Plan account owner assets are presumed abandoned; providing for allocation of moneys remaining in the escrow fund upon closure of the Prepaid Tuition Plan; permitting the board to maintain a certain amount in the escrow fund for 10 years following closure of the Prepaid Tuition Trust Fund to satisfy potential claims; providing conditions for final closure of the escrow fund; creating a nonappropriated special revenue fund; transferring moneys from the escrow fund to the special revenue fund; authorizing receipts to, and expenditures from, the special revenue fund for certain purposes related to new savings and investment programs; providing for investment of moneys in the

special revenue fund; removing obsolete language; and making technical corrections.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

The bill (Com. Sub. for S. B. 294), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Senate Bill 308, Modifying requirement that racetrack participate in WV Thoroughbred Development Fund by certain date.

And,

Senate Bill 358, Removing prohibition on ATMs located in area where racetrack video lottery machines are located.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 321, Clarifying and updating language regarding Fairmont State alumni license plates.

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

Com. Sub. for Senate Bill 321 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to updating language regarding special license plates for Fairmont State University.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles H. Clements,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 338, Creating Fire Service Equipment and Training Fund.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

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

Your Committee on Government Organization has had under consideration

Senate Bill 374, Increasing threshold for bid requirement to \$10,000 to be consistent with other state agencies.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 377, Relating to extension for boil water advisories by water utility or public service district.

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

Com. Sub. for Senate Bill 377 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-1-9a of the Code of West Virginia, 1931, as amended, relating to public water systems; providing an extension of the deadline by which a water utility company and public service district must provide boiled water advisories through a text or voice alert mass

notification system; and clarifying the advisory may be made by either text or voice alert.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 389, Relating to State Resiliency Office responsibility to plan for emergency and disaster response, recovery, and resiliency.

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

Com. Sub. for Senate Bill 389 (originating in the Committee on Government Organization)—A Bill to amend and reenact §29-31-2 of the Code of West Virginia, 1931, as amended, relating to clarifying that State Resiliency Office is responsible to plan for emergency and disaster response, recovery, and resiliency; clarifying that the State Resiliency Officer is a member of the State Resiliency Office Board; placing Secretary of the Department of Health and Human Resources on board; requiring that State Resiliency Officer vote only in the event of a tie vote of board; requiring that board elect a vice chair from its membership; establishing duties and responsibilities of the vice chair; and eliminating notice requirement for board meetings.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 6, US Navy Seaman 2nd Class Wilbur ‘Webb’ Hahn and John W. Hahn Memorial Bridge.

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

Respectfully submitted,

Charles H. Clements,
Chair.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2012, Relating to public charter schools.

And has amended same.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Eng. House Bill 2262, Relating to the controlled substance monitoring database.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,
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:

By Senator Swope:

Senate Bill 433—A Bill to amend and reenact §17B-2B-1, §17B-2B-2, §17B-2B-4, and §17B-2B-6 of the Code of West Virginia, 1931, as amended, all relating to authorizing the Division of Rehabilitation Services to approve acceptable training programs required for low vision individuals to obtain a Class G driver's license.

Referred to the Committee on Transportation and Infrastructure.

By Senator Woelfel:

Senate Bill 434—A Bill to amend and reenact §30-29-3 of the Code of West Virginia, 1931, as amended, relating to requiring law-enforcement training to include standards and procedures for

ongoing specialized, intensive, and integrative training for persons responsible for investigating sexual assault cases involving adult victims.

Referred to the Committee on the Judiciary.

By Senator Roberts:

Senate Bill 435—A Bill to amend and reenact §21-6-3 of the Code of West Virginia, 1931, as amended, relating to issuance of a work permit; requiring county superintendents to authorize at least one school principal or administrator at each nonpublic school in the district to issue a work permit for students enrolled at the school; removing obsolete term; and providing exceptions to the requirement for a certificate showing that the child is attending school.

Referred to the Committee on Education.

By Senator Rucker:

Senate Bill 436—A Bill to amend and reenact §22-15-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-15A-19 of said code; to amend and reenact §22-16-2 and §22-16-4 of said code; to amend and reenact §22C-4-2 and §22C-4-30 of said code; and to amend and reenact §24-2-1m of said code, all relating to solid waste facilities; defining terms; specifying that a mixed waste resource recovery facility is not a solid waste facility; conforming definition of “commercial solid waste facility” in articles relating to recycling assessment fees, solid waste landfill assistance programs, and county and regional solid waste authorities; providing for exemption of such facilities from solid waste assessment interim fees; clarifying that mixed waste resource recovery facilities are not subject to the jurisdiction of the Public Service Commission.

Referred to the Committee on Government Organization.

By Senator Maroney:

Senate Bill 437—A Bill to amend and reenact §11-27-38 of the Code of West Virginia, 1931, as amended, relating to health

care provider tax; defining terms; modifying the effective date; and removing the expiration date for the tax.

Referred to the Committee on Finance.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 438—A Bill supplementing, amending, and increasing items of existing appropriation from the State Road Fund to the Department of Transportation, Division of Motor Vehicles, fund 9007, fiscal year 2021, organization 0802, for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Swope:

Senate Bill 439—A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, 1931, as amended, relating to operation of vehicles with safety belts; allowing admissibility of certain evidence in a civil action for damages; changing definition of “passenger vehicle” for purposes of safety belt requirement; and allowing the admission of the use or nonuse of a safety belt on the issues of negligence, contributory negligence, comparative negligence, and failure to mitigate damages.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 440—A Bill to amend and reenact §17-2A-8 of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of Highways to post online any petition, notice, order, decision, or other record related to the abandonment or discontinuance of any state highway or road, or any part thereof; and providing that any member of the public shall be allowed to participate in or attend a hearing relating to the abandonment or discontinuance of any state highway or road by virtual means.

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

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 441—A Bill supplementing, amending, and increasing an existing item of appropriation from the State Road Fund, to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2021, organization 0803, for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Tarr:

Senate Bill 442—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21A-2D-1, §21A-2D-2, §21A-2D-3, §21A-2D-4, §21A-2D-5, §21A-2D-6, §21A-2D-7, §21A-2D-8, §21A-2D-9, and §21A-2D-10, all relating to the Unemployment Insurance Program Integrity Act; enacting the unemployment compensation indexing system; providing definitions; detailing unemployment insurance program integrity; providing for data sharing; providing action on eligibility determinations; recovering overpayments and preventing fraud; providing a mechanism for an employer to contact Workforce West Virginia when an employee is offered their job back but refuses to be rehired; reporting to the Legislature; providing for rulemaking; and providing an effective date.

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

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 443—A Bill supplementing, amending, decreasing, and increasing items of existing appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2021, organization 0803, for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Nelson:

Senate Joint Resolution 10—Proposing an amendment to the Constitution of the State of West Virginia, amending section three, article VI thereof, relating to limiting the number of years delegates and senators may serve; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senator Plymale offered the following resolution:

Senate Concurrent Resolution 9—Requesting the Division of Highways name bridge number 50-075/00-007.25 (50A149), locally known as Buffalo Beam Span, carrying WV 75 over Twelvepole Creek in Wayne County, the “Haynie Family Veterans Memorial Bridge”.

Whereas, The Haynies have been in the Buffalo Creek area since the early 1800s and served their country in World Wars I and II; and

Whereas, Anthony Haynie, PVT, WW I, was born July 22, 1895, in Wayne County, West Virginia. He enlisted in the U.S. Army on October 5, 1917, and was discharged on June 10, 1919. He served under General Pershing, Battery C 315, Field Artillery, 80 Division. PVT Anthony Haynie’s unit had advanced to the town of Romagne and were engaged with the Germans. Three guns of his battery were knocked out by shell fire and gas attack. The battery commander asked for volunteers to man the guns in spite of the fierce gas attack and PVT Anthony Haynie answered the call. His record reveals that he was severely wounded in that engagement and that he received the Purple Heart. PVT Anthony Haynie died on January 17, 1976; and

Whereas, Arthur Haynie was born November 17, 1921. He attended the old wooden school in Buffalo, West Virginia. He

entered the U.S. Army on December 14, 1942. At discharge, he was a Tech 5 of the military police. He died on September 18, 1995; and

Whereas, James E. Haynie, PVT, WW II, was born on August 16, 1923, in Wayne County. He attended and graduated from Buffalo High School. He served in the U.S. Army from July 8, 1943, through December 7, 1945. PVT James E. Haynie was a demolition expert and served in Calcutta and Burma. His unit merged with Merrill's Marauders and came behind them, "cleaning up their mess". He received the Asiatic Pacific Theater Ribbon, WW II Victory Ribbon, and Distinguished Unit Badge with two Bronze Stars. PVT James E. Haynie died September 14, 2014; and

Whereas, Robert V. Haynie, PVT, WW II, was born on March 24, 1925, in Wayne County. He attended Buffalo High School. He served in the U.S. Army from August 28, 1943, through February 14, 1946. PVT Robert V. Haynie was a military policeman serving in the European Theater of Operation. He served in Normandy, Northern France, and the Rhineland. He was a recipient of the Purple Heart, the European African Middle Eastern Theater Ribbon, and the WW II Victory Ribbon. PVT Robert V. Haynie died December 25, 2018; and

Whereas, Charles E. Haynie, WW II, was born on April 14, 1927, in Wayne County. He attended Buffalo High School. He enlisted in the U.S. Navy and served on the USS Sandoval (APA-194) as a coxswain in Iwo Jima. Charles E. Haynie died November 20, 2016; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Haynie family and their 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 50-075/00-007.25 (50A149), locally known as Buffalo Beam Span, carrying WV 75 over Twelvelpole Creek in

Wayne County, the “Haynie Family Veterans 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 “Haynie Family Veterans 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 Caputo and Weld offered the following resolution:

Senate Resolution 9—Designating February 25, 2021, as Fairmont State University Day at the Legislature.

Whereas, The State of West Virginia is committed to supporting higher education; and

Whereas, West Virginia’s colleges and universities open the doors of opportunity for West Virginia’s students; and

Whereas, Fairmont State University helps West Virginians achieve their education and career goals, and meet the workforce needs of the State of West Virginia; and

Whereas, Fairmont State University contributes significantly to the state and local economies of West Virginia; and

Whereas, Fairmont State University’s student body is comprised of nearly 90 percent of native West Virginians and over 60 percent first-generation students; and

Whereas, Fairmont State University educates students from every county in West Virginia; and

Whereas, Through the commitment of outstanding students, faculty, staff, administration, and leadership, Fairmont State

University fulfills student-centered missions which benefit the entire state; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 25, 2021 as Fairmont State University Day at the Legislature; and, be it

Further Resolved, That the Senate extends its sincere gratitude and appreciation to Fairmont State University for its contributions to the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to President of Fairmont State University, Dr. Mirta M. Martin.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 8, Fire Chief Kenneth Junior Russell Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the eighth order of business.

Eng. Senate Bill 67, Relating to authority of Emergency Medical Services Advisory Council.

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

Pending discussion,

The question being “Shall Engrossed Senate Bill 67 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 67) passed with its title.

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

Eng. Com. Sub. for Senate Bill 79, Providing fair mechanism for adjudication of requests for relocation of parent with child.

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 79 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 79) 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 79—A Bill to amend and reenact §48-9-403 of the Code of West Virginia, 1931, as amended, all relating to providing a fair mechanism for the adjudication of requests for relocation of a parent with a child; providing circumstances for which relocation of a parent constitutes a substantial change in the circumstances of the child; requiring the relocating parent to file a verified petition for the court for modification of the parenting plan; identifying consequences of failure to comply with the requirements of this section; requiring a copy of the petition to be served on the other parent and all other persons allocated custodial time with the child; establishing requirements for the petition for modification of the parenting plan; requiring a hearing to be held on the petition at least 30 days in advance of the proposed date of relocation; providing for an expedited hearing; authorizing the court to revise the parenting plan; authorizing the court to allocate costs between the parties; establishing the burden of proof for the relocating parent; defines when a relocation is for a legitimate purpose; establishing a move with a legitimate purpose is unreasonable unless the relocating parent proves that the purpose is not substantially achievable without moving and that moving to a location that is substantially less disruptive of the other parent's relationship to the child is not feasible; requiring the court to consider the best interests of the child when modifying the parenting plan; requiring the court to minimize impairment to a parent-child relationship caused by a parent's relocation through alternative arrangements; setting forth the opportunity for parties to file a modified parenting plan signed by all parties; conditionally requiring an initial permanent parenting plan to be established before a relocation is considered; requiring interviewing or questioning of the child to be conducted in accordance with Rule 17 of the Rules of Practice and Procedure for Family Court.

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

Eng. Senate Bill 89, Exempting certain kindergarten and preschool programs offered by private schools from registration requirements.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 89) passed with its title.

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

Eng. Com. Sub. for Senate Bill 182, Authorizing miscellaneous agencies and boards to promulgate legislative rules.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 182) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 182) 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 270, Providing for collection of tax by hotel marketplace facilitators.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 270) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 275, Relating generally to WV Appellate Reorganization Act of 2021.

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

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 275 pass?”

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Karnes, Maroney, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—19.

The nays were: Baldwin, Beach, Caputo, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Martin, Plymale, Romano, Stollings, Stover, Unger, and Woelfel—15.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 275) passed with its title.

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

Eng. Senate Bill 296, Relating generally to repealing certain rules.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 296) passed with its title.

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

Eng. Senate Bill 372, Providing greater discretion to WV Board of Medicine to approve graduate clinical training.

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

Pending discussion,

The question being “Shall Engrossed Senate Bill 372 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 372) 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 7, Limiting political activity by public employees.

Having been read a second time on yesterday, Tuesday, February 23, 2021, and now coming up in regular order with Senator Trump's amendment to the bill (*shown in the Senate Journal of that day, page 348*) pending, was reported by the Clerk.

The question being on the adoption of Senator Trump's pending amendment to the bill.

At the request of Senator Trump, and by unanimous consent, Senator Trump's pending amendment to the bill was withdrawn.

On motions of Senators Romano and Trump, the following amendment to the bill (Com. Sub. for S. B. 7) was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 4. POLITICAL ACTIVITY BY PUBLIC EMPLOYEES AND PUBLIC OFFICIALS.

§6B-4-1. Legislative purposes and findings.

(a) The purpose of this bill is to encourage professionalism by public employees and public officials, and to protect them from

political coercion in the workplace while carrying out their work that is publicly funded by state taxpayers.

(b) The Legislature hereby finds that:

(1) Public employees and public officials have and retain the right to vote as they choose and to express their opinions on political subjects and candidates. These are fundamental rights which the Legislature expressly recognizes and honors, and with which the provisions of this article should not be construed to interfere.

(2) Political activity by public employees and public officials must be limited for public institutions, including schools and institutions of higher education, for them to function fairly and effectively.

(3) Public employees should be protected from being utilized for partisan political purposes in the discharge of their duties.

§6B-4-2. Definitions; exceptions.

(a) For purposes of this article, “political activity” means expressly advocating for others to vote for or against a candidate or to support or oppose a political committee or political party.

(b) This article shall not apply to:

(1) Judicial officers;

(2) Employees of the judicial branch;

(3) Members of the Legislature;

(4) Publicly elected members of the Board of Public Works; Provided, That a publicly elected member of the Board of Public Works who is engaging in political activity shall announce that he or she is engaging in political activity and not official activity;

(5) Uncompensated public officials; and

(6) Uncompensated public servant volunteers.

§6B-4-3. Limitation on political activity by public employees and public officials.

In addition to any other restrictions on political activity imposed by this code or by federal law, a public employee or a public official may not engage in political activity:

(1) While on duty; or

(2) While using any vehicle owned or leased by the State of West Virginia or any agency or political subdivision thereof.

§6B-4-4. Violations and penalties.

Upon a final decision by the commission that a public employee or a public official has violated any provision of §6B-4-3 of this code shall be subject to potential sanctions, recommendation of termination from employment or removal from office, or both as provided in §6B-2-4 of this code.

The bill (Com. Sub. for S. B. 7), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 42, Creating Zombie Property Remediation Act of 2021.

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

On motion of Senator Swope, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES, AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.

§8-12-22. Foreclosure actions involving abandoned properties.

(a) This section shall be known and may be cited as the “Zombie Property Remediation Act of 2021”.

(b) No action may be brought pursuant to this section until the municipality has informed any and all mortgagees in writing and by certified mail, return receipt requested, to the mortgagee’s registered agent identified by the mortgagee at the office of the West Virginia Secretary of State or, if not registered with the West Virginia Secretary of State, then to the mortgagee’s principal place of business, of the municipality’s intent to file a proceeding pursuant to subsection (c) and provide the mortgagee forty-five days from receipt by the agent or at the principal place of business referenced above of the notice of intent to file an action pursuant to subsection (c) to respond to the notice and notify the municipality of the status of the property, the status of the note and the mortgagee’s response to the notice: *Provided*, That the municipality may not issue a notice pursuant to this subsection or bring an action pursuant to subsection (c) if the owner of the property is in bankruptcy without the express consent of the bankruptcy court.

(c) If a property has been determined to be unsafe, unsanitary, dangerous, or detrimental to the public safety or welfare pursuant to an ordinance adopted pursuant to §8-12-16 of this code, or determined vacant and abandoned pursuant to §8-12-22(d) of this code, the municipality in which the property is located may commence a proceeding in which the property is located to compel any or all mortgagees to:

(1) If the mortgagee has classified that the note is in default, the trustee or mortgagee shall commence a foreclosure procedure within four months and shall meet all deadlines to ensure the case

is ready to be moved to a trustee sale within a reasonable time period but not to exceed one year;

(2) In the case of a loss mitigation application being filed by the borrower, all provisions of this section shall be tolled until such time as the note is again in default and the time period described in subsection (c)(1) of this section has passed, or otherwise until the mortgagee has determined that the borrower is ineligible for loss mitigation;

(3) If a foreclosure has already been commenced, submit the necessary notices and documentation needed to move the foreclosure to a trustee sale within four months; or

(4) Issue a certificate of discharge of the trust deed lien or mortgage within three months and file a release of the lien or mortgage with the office of the clerk of the county commission in the county where the property is located.

(d) As used in this section, “vacant and abandoned property” means real property with respect to which the plaintiff has proven, by a preponderance of the evidence, that it meets any of the following requirements:

(1) no person or persons actually and currently conduct a lawfully licensed business, or lawfully reside, dwell, or live in any part of the building as the legal or equitable owner(s), tenant-occupant(s), owner-occupant(s), or tenant(s) on a permanent, non-transient basis; or

(2) if the exterior maintenance and major systems of the building and the surrounding real property thereof are in violation of applicable building codes or health and sanitation codes and there is no continual utility service evidencing actual use of electric, gas, water service, etc. or

(3) Each mortgagor has separately issued a sworn written statement, expressing his or her intent to vacate and abandon the property and an inspection of the property shows no evidence of occupancy to indicate that any persons are residing there.

(4) As used in this section, “continual” shall mean to be without more than one thirty (30) day interruption in any given three hundred sixty (360) day period and must be more than merely registered to the owner for purposes of billing and must be utilized, at a minimum, in order to keep the property and the major systems of the building in compliance with applicable building and safety codes.

(5) Residential real property may not be considered vacant and abandoned if a structure located on the property meets any of the following:

(A) An unoccupied building that is undergoing construction, renovation, or rehabilitation that is proceeding diligently to completion;

(B) A building occupied on a seasonal basis, but otherwise secure;

(C) A building that is secure, but is the subject of a probate action, action to quiet title, or other ownership dispute of which the mortgage servicer has actual notice;

(D) A building damaged by a natural disaster and one or more of its owners intends to repair and reoccupy the property; or

(E) A building occupied by the mortgagor, a relative of the mortgagor, or a tenant lawfully in possession.

(e) For any foreclosure resulting under this section or otherwise pursuant to any trust deed of record, if the successful bidder is the mortgagee, the trustee shall transfer by recorded deed, the property to the mortgagee within 30 days of the foreclosure sale. Any municipality wherein the property is located may seek an injunction to require the trustee, acting on behalf of the mortgagee, to convey the property to the mortgagee by recorded deed of record. Any municipality filing such an action and obtaining relief by injunction may recover attorney fees and costs related to the action.

(f) Any property fitting the criteria described in subsection (d) of this section which is not situated within the boundaries of any

incorporated municipality may be served in the manner described in subsections (b) and (c) by the county commission of the county in which the property is located, with all attendant duties thereto.

(g) Nothing in this section may be construed to limit or restrain any incorporated municipality's powers to dispose of unencumbered properties that are unsafe, unsanitary, dangerous, or detrimental to the public safety or welfare pursuant to § 8-12-16.

Following discussion,

The question being on the adoption of Senator Swope's amendment to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 42), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 53, Providing person criminally responsible for another's death may not be involved in burial arrangements.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Senate Bill 396, Providing limitations on nuisance actions against fire department or EMS fixed sirens.

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

Com. Sub. for Senate Bill 80, Allowing for administration of certain small estates by affidavit and without appointment of personal representative.

And,

Eng. House Bill 2019, Elevating Economic Development and Tourism Departments.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Maynard and Lindsay.

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

The Senate proceeded to the thirteenth order of business.

At the request of Senator Hamilton, unanimous consent being granted, it was ordered that the Journal show had Senator Hamilton been present in the chamber on Monday, February 22, 2021, he would have voted “yea” on the passage of Engrossed Committee Substitute for Senate Bill 66, Engrossed Senate Bill 69, Engrossed Committee Substitute for Senate Bill 280, Engrossed Committee Substitute for Senate Bill 293, and Engrossed Committee Substitute for Senate Bill 295 and “nay” on the passage of Engrossed Committee Substitute for Senate Bill 11.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on February 23, 2021:

Senate Bill 124: Senator Unger;

Senate Bill 227: Senator Unger;

Senate Bill 309: Senator Phillips;

And,

Senate Bill 318: Senator Nelson.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 23, 2021:

Senate Bill 2: Senator Unger;

Senate Bill 16: Senator Hamilton;

Senate Bill 19: Senator Unger;

Senate Bill 45: Senator Unger;

Senate Bill 58: Senator Unger;

Senate Bill 102: Senators Hamilton and Phillips;

Senate Bill 106: Senator Unger;

Senate Bill 111: Senator Romano;

Senate Bill 112: Senator Romano;

Senate Bill 114: Senator Romano;

Senate Bill 119: Senator Romano;

Senate Bill 120: Senator Romano;

Senate Bill 121: Senator Romano;

Senate Bill 225: Senator Romano;

Senate Bill 226: Senator Romano;

Senate Bill 228: Senator Romano;

Senate Bill 231: Senators Caputo and Romano;

Senate Bill 262: Senator Romano;

Senate Bill 288: Senators Jeffries and Unger;

- Senate Bill 291:** Senator Romano;
- Senate Bill 292:** Senator Unger;
- Senate Bill 306:** Senators Unger and Nelson;
- Senate Bill 309:** Senator Unger;
- Senate Bill 310:** Senator Unger;
- Senate Bill 319:** Senator Nelson;
- Senate Bill 335:** Senator Unger;
- Senate Bill 338:** Senators Jeffries and Caputo;
- Senate Bill 339:** Senator Woodrum;
- Senate Bill 341:** Senator Rucker;
- Senate Bill 344:** Senator Nelson;
- Senate Bill 345:** Senator Unger;
- Senate Bill 346:** Senator Nelson;
- Senate Bill 347:** Senator Nelson;
- Senate Bill 359:** Senators Woodrum and Nelson;
- Senate Bill 361:** Senator Rucker;
- Senate Bill 365:** Senator Rucker;
- Senate Bill 384:** Senator Unger;
- Senate Bill 391:** Senator Rucker;
- Senate Bill 400:** Senator Plymale;
- Senate Bill 404:** Senator Ihlenfeld;

Senate Bill 407: Senator Phillips;

Senate Bill 410: Senators Stollings and Caputo;

Senate Bill 412: Senator Phillips;

Senate Bill 416: Senator Phillips;

Senate Bill 417: Senator Stollings;

Senate Bill 419: Senator Hamilton;

Senate Bill 431: Senator Woelfel;

Senate Bill 432: Senators Phillips, Unger, and Jeffries;

Senate Joint Resolution 2: Senator Unger;

Senate Joint Resolution 5: Senator Jeffries;

Senate Joint Resolution 6: Senator Jeffries;

Senate Joint Resolution 9: Senators Phillips, Hamilton, Caputo, Unger, Stollings, and Baldwin;

Senate Concurrent Resolution 6: Senators Unger, Smith, and Jeffries;

Senate Concurrent Resolution 7: Senators Unger and Jeffries;

And,

Senate Concurrent Resolution 8: Senators Phillips, Unger, and Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 1:16 p.m., the Senate adjourned until tomorrow, Thursday, February 25, 2021, at 11 a.m.

THURSDAY, FEBRUARY 25, 2021

The Senate met at 11 a.m.

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

Prayer was offered by Dave Lavender, Senate Assistant Doorkeeper, Hurricane, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Glenn D. Jeffries, a senator from the eighth district.

Pending the reading of the Journal of Wednesday, February 24, 2021,

At the request of Senator Boley, 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. Com. Sub. for House Bill 2094—A Bill to amend and reenact §49-4-725 of the Code of West Virginia, 1931, as amended, relating to the juvenile restorative justice programs; clarifying time-frame and conditions for juvenile referral to restorative justice programs; providing definitions related to the juvenile restorative justice programs; establishing particular aspects of a voluntary restorative justice program including the requirement that the juvenile offender and victim each participate voluntarily; focusing

on repairing harm done by facilitated communication between victim, offender, and associated third parties or stakeholders; requiring restorative justice programs to include victim-offender mediation dialogue, family group conferencing and implementation of measures to redress the victim and community to provide an opportunity for the offender to accept responsibility and address repair of that harm; implement measures designed to redress the victim and community; address status offenses as appropriate and necessary; and providing that the petition against the juvenile shall be dismissed if the juvenile has not previously and successfully completed a restorative justice programs, is referred to and then successfully completes restorative justice program; and, provides that self-incriminating information obtained as the result of a restorative justice program is not admissible in subsequent juvenile proceedings.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 2184—A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for exposure of governmental representatives, including emergency medical service personnel, to fentanyl or any other harmful drug or chemical agent.

Referred to the Committee on the Judiciary.

Executive Communications

The Clerk then presented the following communication from His Excellency, the Governor, regarding bills approved by the Governor:



Jim Justice
Governor of West Virginia

February 24, 2021

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Committee Substitute for House Bill No. Two Thousand Three Hundred Fifty-Eight (2358), which was presented to me on February 23, 2021.

House Bill No. Two Thousand Three Hundred Fifty-Nine (2359), which was presented to me on February 23, 2021.

You will note that I have approved these bills on February 24, 2021.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 5, Relating to claims arising out of WV Consumer Credit and Protection Act.

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

Com. Sub. for Senate Bill 5 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §46A-5-104 and §46A-5-108 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §46A-5-109; to amend and reenact §46A-6-106 of said code; and to amend and reenact §46A-8-101 of said code, all relating generally to the West Virginia Consumer Credit and Protection Act and claims arising thereunder; providing criteria for the court to evaluate reasonable attorney's fees and expense awards to the consumer in an action under the act; providing a unified mechanism for pre-suit notices of violation and offers to cure; providing that a cure offer is not admissible at trial of an action under the act, except that a timely delivered cure offer may be presented in a proceeding before the court, after entry of judgment, to determine attorney's fees, if any; providing that either party in a private action under the act may serve upon the other an offer to settle or for judgment to be entered, establishing a process therefor, and providing that if the offer is rejected, the circumstances under which parties may or may not recover attorney's fees; providing for the award of attorney's fees and expenses in actions under the act upon a judicial determination that a claim or defense presented in the case is frivolous; and providing for an effective date.

And,

Senate Bill 392, Creating penalty for impersonation of law-enforcement officer or official.

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

Com. Sub. for Senate Bill 392 (originating in the Committee on the Judiciary)—A Bill to amend §61-1-9 of the Code of West Virginia, 1931, as amended, relating to modifying the penalty for impersonation of a law-enforcement officer or official by adding a period of possible incarceration as a criminal penalty.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bills 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, and 176, Alcohol Beverage Control Commission rule relating to private club licensing.

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

Com. Sub. for Senate Bill 160 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-7-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Revenue to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; directing the amendment of a legislative-exempt rule by the Legislature; relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to private club licensing; relating to authorizing the Alcohol Beverage Control

Commission to promulgate a legislative rule relating to distilleries, mini-distilleries, and micro-distilleries; relating to authorizing the Financial Institutions Division to promulgate a legislative rule relating to a rule pertaining to the Fintech Regulatory Sandbox; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to fingerprinting requirements for applicants for insurance producer and insurance adjuster license; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to insurance adjusters; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to credit for reinsurance; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to insurance continuing education for individual insurance producers and individual insurance adjusters; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to mental health parity; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to health benefit plan network access and adequacy; relating to authorizing the Municipal Pensions Oversight Board to promulgate a legislative rule relating to exempt purchasing; relating to authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing; relating to authorizing the Racing Commission to promulgate a legislative rule relating to greyhound racing; relating to authorizing the Racing Commission to promulgate a legislative rule relating to advance deposit account wagering; relating to authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia Lottery interactive wagering rule; relating to directing the State Tax Department to amend a legislative-exempt rule relating to valuation of farmland and structures situated thereon for ad valorem property tax purposes; relating to authorizing the State Tax Department to promulgate a legislative rule relating to a tax credit for providing vehicles to low-income workers; relating to authorizing the State Tax Department to promulgate a legislative rule relating to the downstream natural gas

manufacturing investment tax credit; and relating to authorizing the State Tax Department to promulgate a legislative rule relating to the high-wage growth business tax credit.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Roberts, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

Senate Bill 248, Requiring DHHR collaborate with Workforce Development Board and WV Division of Personnel for purposes of job placement.

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

Respectfully submitted,

Rollan A. Roberts,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on the Workforce.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 311, Relating to acquisition and disposition of property by urban development authority.

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

Respectfully submitted,

Chandler Swope,
Chair.

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 339, Expanding types of agricultural operations that are protected from nuisance and other legal actions.

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

Com. Sub. for Senate Bill 339 (originating in the Committee on Agriculture and Rural Development)—A Bill to amend and reenact §19-19-2 and §19-19-7 of the Code of West Virginia, 1931, as amended, all relating to the right to farm; defining terms; expanding protection of agricultural operations from nuisance and other legal actions to agricultural and horticultural practices allowed within municipalities, including aquaponics and hydroponics; requiring compliance with local laws, regulations,

and ordinances for protection from nuisance and other legal actions; and making technical changes.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Dave Sypolt,
Chair.

The bill (Com. Sub. for S. B. 339), under the original double committee reference, was then referred to the Committee on the Judiciary.

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 359, Informing landowners when fencing that may contain livestock is damaged due to accident.

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

Respectfully submitted,

Dave Sypolt,
Chair.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 368, Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program.

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

Com. Sub. for Senate Bill 368 (originating in the Committee on Economic Development)—A Bill to amend and reenact §22-15A-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §22-15A-30; and to amend and reenact §22-16-12 of said code, all relating to authorizing the Department of Environmental Protection to develop the Reclamation of Abandoned and Dilapidated Properties Program to reclaim abandoned and dilapidated structures in order to improve West Virginia communities and to open new parcels for development; creating a special revenue fund; providing a statement of legislative findings and purpose; and permitting the payment of excess money from the Solid Waste Facility Closure Cost Assistance Fund into the Reclamation of Abandoned and Dilapidated Properties Program Fund.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Chandler Swope,
Chair.

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

Your Committee on Finance has had under consideration

Senate Joint Resolution 4, Incorporation of Churches or Religious Denominations Amendment.

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

Respectfully submitted,

Eric J. Tarr,
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:

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 444—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021, in the amount of \$6,497,548 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund.

Referred to the Committee on Finance.

By Senator Rucker:

Senate Bill 445—A Bill to amend and reenact §11-13X-3, §11-13X-4, §11-13X-5, §11-13X-6, §11-13X-8, §11-13X-11, §11-13X-12, and §11-13X-13 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Film Industry Investment Act; reinstating the film investment tax credit; providing the coordination and management by the West Virginia Development Office; defining “Development Office” and “multi-state distribution”; excluding short-term depreciation from credit; raising the minimum threshold of cumulative annual expenditures necessary to qualify for credit; establishing an annual limit in credits available; requiring the Development Office to develop a database of locations, music, and other resources to be made available to film production teams; providing Development Office discretion to determine if project negatively portrays West Virginia; requiring state agencies to solicit bids from West Virginia vendors for film or video projects if available; and giving retroactive effect to film investment tax credit program.

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

By Senator Weld:

Senate Bill 446—A Bill to amend and reenact §11-13J-6, §11-13J-8, and §11-13J-12 of the Code of West Virginia, 1931, as amended, all relating to extending the Neighborhood Investment Program Act; increasing the aggregate limit for the tax credit authorized under the program; and extending duration of the program until July 1, 2026.

Referred to the Committee on Finance.

By Senators Takubo, Boley, Clements, Grady, Hamilton, Maynard, Phillips, Roberts, Rucker, Smith, Stover, Weld, and Woodrum:

Senate Bill 447—A Bill to amend and reenact §11-13Q-9, §11-13Q-10, §11-13Q-10a, and §11-13Q-22 of the Code of West Virginia, 1931, as amended, all relating to economic development incentive tax credits; specifying economic opportunity tax credit new jobs percentage of 10 percent corresponding to the creation of 10 new jobs; terminating tax credit under certain circumstances; specifying changes to resolve technical conflict with other sections; eliminating superannuated reference to business franchise tax; eliminating superannuated reporting requirement; specifying manufacturing activities that qualify for high technology manufacturing tax credit; providing definitions; proscribing multiple tax credits for the same qualified investment; making technical corrections; and specifying effective dates.

Referred to the Committee on Finance.

By Senator Martin:

Senate Bill 448—A Bill to amend and reenact §7-11B-7, §7-11B-9, §7-11B-10, and §7-11B-22 of the Code of West Virginia, 1931, as amended, all relating generally to property tax increment financing districts; authorizing a county commission or municipality to modify the termination time of certain districts; extending length of certain districts; providing clarification as to

the discharge of any tax increment financing obligations outstanding on the termination date of a district; eliminating certain existing limitations on the terms of tax increment financing obligations issued to refund existing obligations; providing clarifications with respect to the base assessed value and termination date when two or more tax increment financing districts have been combined; and establishing effective date.

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

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 449—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2021, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Smith:

Senate Bill 450—A Bill to amend and reenact §20-2-5a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-2-5k, all relating to protecting albino deer; adding albino deer to list of animals to which forfeiture and additional replacement costs apply; defining terms; prohibiting hunting, capturing, killing, or destroying albino deer; providing exceptions; and providing criminal penalties.

Referred to the Committee on Natural Resources.

By Senator Maynard:

Senate Bill 451—A Bill to amend and reenact §15-5-6 of the Code of West Virginia, 1931, as amended, relating to modifying the power of the state government regarding the possession of firearms by individuals during a declared state of emergency.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 452—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-18, relating to requiring the Executive Director of the West Virginia Development Office develop a comprehensive and strategic plan for the support and development of off-highway vehicle recreation across the state.

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

By Senator Maynard:

Senate Bill 453—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-11a, relating to creating an inventory and mapping system of all roads in state forests, state parks, national forests, and national parks.

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

By Senator Maynard:

Senate Bill 454—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-56, relating generally to requiring the West Virginia Division of Highways to establish an interactive website for road conditions; providing downloadable access to road maps for offline viewing; allowing website users to annotate map notes with comments and reports on road and surface conditions; providing a reporting procedure to the Joint Committee on Government and Finance; and providing an effective date.

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

By Senator Maynard:

Senate Bill 455—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§17-19-16, relating to creating a process to facilitate the reporting and removal of illegal gates on public roads; creating a means by which members of the public may report illegal gates; creating a method of verification; creating a process by which to notify law enforcement of the gates so that they may be removed; and providing an effective date.

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

By Senator Nelson:

Senate Bill 456—A Bill to amend and reenact §20-18-2, §20-18-8, §20-18-20, §20-18-23, and §20-18-27 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-18-37, all relating to the Natural Resources Police Officers Retirement System; defining terms; clarifying concurrent employer contribution rate; clarifying preretirement death benefits; amending conflicting statutory provisions; and adding a severability clause.

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

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 457—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021, in the amount of \$13,500,000 from the Department of Administration, Board of Risk and Insurance Management, Mine Subsidence Insurance Fund, fund 2361, fiscal year 2021, organization 0218; and in the amount of \$2,000,000 from the Department of Veterans' Assistance, Veterans' Facilities Support Fund, fund 6703, fiscal year 2021, organization 0613.

Referred to the Committee on Finance.

By Senator Phillips:

Senate Bill 458—A Bill to amend and reenact §15-5-6 of the Code of West Virginia, 1931, as amended, relating to modifying

the power of the state government regarding the possession of firearms by individuals during a declared state of emergency.

Referred to the Committee on the Judiciary.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the fourth order of business.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 459 (originating in the Committee on Pensions)—
A Bill to amend and reenact §8-22-26 of the Code of West Virginia, 1931, as amended, relating to providing a mechanism by which contributions paid by a member into a retirement plan would be returned to the member's heirs after the member's death in the event that the member's survivors are deceased and his or her remaining heirs no longer receive death benefits under the retirement plan after reaching the age of 18.

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

Respectfully submitted,

Eric Nelson, Jr.,
Chair.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 6, US Navy Seaman 2nd Class Wilbur 'Webb' Hahn and John W. Hahn Memorial Bridge.

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

The question being on the adoption of the resolution, the same was put and prevailed.

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

Senate Concurrent Resolution 9, Haynie Family Veterans Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Resolution 9, Designating February 25, 2021, as Fairmont State University Day.

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

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Caputo and Weld regarding the adoption of Senate Resolution 9 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 7, Limiting political activity by public employees.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 7) 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 7—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6B-4-1, §6B-4-2, §6B-4-3, and §6B-4-4, all relating to a limitation on political activity by public employees and public officials; setting forth legislative purpose and findings; defining terms; providing exceptions; requiring certain excepted persons to announce political activity; prohibiting political activity by public employees and public officials in certain limited circumstances; and establishing violations and penalties.

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 42, Creating Zombie Property Remediation Act of 2021.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 42) passed.

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

Eng. Com. Sub. for Senate Bill 42—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-22, relating to foreclosure actions involving abandoned properties; authorizing a municipality to compel a foreclosure; defining “vacant and abandoned property”; designating the Zombie Property Remediation Act of 2021; and requiring conveyance of the deed following foreclosure.

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

Eng. Senate Bill 396, Providing limitations on nuisance actions against fire department or EMS fixed sirens.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 396) 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 53, Providing person criminally responsible for another's death may not be involved in burial arrangements.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 80, Allowing for administration of certain small estates by affidavit and without appointment of personal representative.

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

Eng. House Bill 2019, Elevating Economic Development and Tourism Departments.

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

The Senate proceeded to the tenth order of business.

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

Senate Bill 16, Providing continued eligibility for developmental disability services to dependents of military members.

Senate Bill 308, Modifying requirement that racetrack participate in WV Thoroughbred Development Fund by certain date.

Com. Sub. for Senate Bill 321, Clarifying and updating language regarding Fairmont State alumni license plates.

Senate Bill 338, Creating Fire Service Equipment and Training Fund.

Senate Bill 358, Removing prohibition on ATMs located in area where racetrack video lottery machines are located.

Senate Bill 374, Increasing threshold for bid requirement to \$10,000 to be consistent with other state agencies.

Com. Sub. for Senate Bill 377, Relating to extension for boil water advisories by water utility or public service district.

Com. Sub. for Senate Bill 389, Relating to State Resiliency Office responsibility to plan for emergency and disaster response, recovery, and resiliency.

Eng. Com. Sub. for House Bill 2012, Relating to public charter schools.

And,

Eng. House Bill 2262, Relating to the controlled substance monitoring database.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Maynard, Caputo, Romano, Karnes, Tarr, Unger, Lindsay, and Swope.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on February 24, 2021:

Senate Bill 309: Senators Woelfel and Grady;

Senate Bill 362: Senator Phillips;

And,

Senate Bill 419: Senator Hamilton.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 24, 2021:

Senate Bill 105: Senator Grady;

Senate Bill 308: Senator Jeffries;

Senate Bill 314: Senator Weld;

Senate Bill 338: Senator Phillips;

Senate Bill 339: Senator Rucker;

Senate Bill 341: Senator Phillips;

Senate Bill 357: Senator Phillips;

Senate Bill 359: Senator Baldwin;

Senate Bill 368: Senators Baldwin and Jeffries;

Senate Bill 381: Senator Grady;

Senate Bill 391: Senator Grady;

Senate Bill 392: Senators Baldwin and Romano;

Senate Bill 405: Senator Nelson;

Senate Bill 434: Senators Stollings and Caputo;

Senate Bill 439: Senator Roberts;

Senate Joint Resolution 5: Senator Phillips;

Senate Joint Resolution 6: Senator Phillips;

Senate Joint Resolution 10: Senator Woelfel;

Senate Concurrent Resolution 9: Senators Stollings, Woelfel, and Jeffries;

And,

Senate Resolution 9: Senators Stollings, Jeffries, Rucker, and Romano.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:02 p.m., the Senate adjourned until tomorrow, Friday, February 26, 2021, at 11 a.m.

FRIDAY, FEBRUARY 26, 2021

The Senate met at 11:01 a.m.

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

Prayer was offered by First Sergeant Jay Powers, West Virginia State Police, Milton, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ron Stollings, a senator from the seventh district.

Pending the reading of the Journal of Thursday, February 25, 2021,

At the request of Senator Azinger, 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. Com. Sub. for House Bill 2372—A Bill to amend and reenact §3-8-5e of the Code of West Virginia, 1931, as amended, relating to modifying the date to file pre-candidacy registration papers to the day after a general election is held.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Committee on Military has had under consideration

Senate Bill 102, Allowing disabled purple heart recipients park free at municipal metered parking spaces.

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

Com. Sub. for Senate Bill 102 (originating in the Committee on Military)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-15a, relating to disabled veterans and veterans who received the Purple

Heart medal may park free at parking spaces controlled by this state or any political subdivision thereof.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Ryan W. Weld,
Chair.

At the request of Senator Maynard, as chair of the Committee on Government Organization, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Military.

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

Your Committee on Government Organization has had under consideration

Senate Bill 318, Relating generally to public notice of unclaimed property held by State Treasurer.

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

Com. Sub. for Senate Bill 318 (originating in the Committee on Government Organization)—A Bill to amend and reenact §36-8-9 of the Code of West Virginia, 1931, as amended, relating generally to public notice of unclaimed property held by the State Treasurer; eliminating the requirement that the Treasurer publish the unclaimed property registry in newspapers; requiring the Treasurer to publish a searchable database of persons appearing to be the owners of unclaimed property, to be updated every six months; requiring the Treasurer to publish an annual advertisement regarding unclaimed property in a newspaper of general circulation

in certain counties; and setting forth required content for said advertisement.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 318), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Education has had under consideration

Senate Bill 356, Allowing for written part of drivers' exam given in high school drivers' education course.

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

Com. Sub. for Senate Bill 356 (originating in the Committee on Education)—A Bill to amend and reenact §17B-2-7 of the Code of West Virginia, 1931, as amended, relating to allowing the written part of the operator's license examination to be given in school driver's education courses.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 387, Relating to drug screening of applicants for cash assistance.

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

Com. Sub. for Senate Bill 387 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §9-3-6 of the Code of West Virginia, 1931, as amended, relating to the program for drug screening of applicants for cash assistance; and providing extension of time frame for program.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,
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:

By Senator Nelson:

Senate Bill 460—A Bill to amend and reenact §7-14D-2, §7-14D-11, §7-14D-13, §7-14D-19, and §7-14D-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §7-14D-32, all relating to the Deputy Sheriff Retirement System Act; defining terms; amending and removing conflicting statutory provisions; clarifying preretirement death benefits; and adding a severability clause.

Referred to the Committee on Pensions.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 461—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Emergency Management, fund 0443, fiscal year 2021, organization 0606, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Rucker:

Senate Bill 462—A Bill to amend and reenact §11-13J-6 and §11-13J-12 of the Code of West Virginia, 1931, as amended, all relating to extending the Neighborhood Investment Program Act until July 1, 2026.

Referred to the Committee on Finance.

By Senator Azinger:

Senate Bill 463—A Bill to amend and reenact §33-41-8 and §33-41-8a of the Code of West Virginia, 1931, as amended, all relating to the consolidation of the positions of the Inspector General of the former Workers' Compensation Commission's Fraud and Abuse Unit and the position of Director of the Insurance Fraud Unit.

Referred to the Committee on Banking and Insurance.

By Senator Plymale:

Senate Bill 464—A Bill to amend and reenact §22-15-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-15-24, all relating to the development and implementation of a program to regulate source-separated organic material waste; requiring permits for the facilities and general operation; providing for general handling of

organic material waste; authorizing the secretary to promulgate rules; and authorizing the secretary to provide exemptions.

Referred to the Committee on Economic Development.

By Senator Unger:

Senate Bill 465—A Bill to amend and reenact §5H-1-1 of the Code of West Virginia, 1931, as amended, relating to defining terms to assure that correctional officers are considered law-enforcement officers for the purpose of the West Virginia Fire, EMS, and Law-Enforcement Survivor Benefit Act.

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

By Senator Maynard:

Senate Bill 466—A Bill to amend and reenact §30-38-4, §30-38-6, and §30-38-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-38A-3, §30-38A-4, §30-38A-8, and §30-38A-10 of said code, all relating to expanding and clarifying the definition of “appraisal management company” for purposes of the Real Estate Appraiser Licensing and Certification Act, as well as the Appraisal Management Companies Registration Act.

Referred to the Committee on Government Organization.

By Senator Nelson:

Senate Bill 467—A Bill to amend and reenact §8-22A-2, §8-22A-14, §8-22A-16, §8-22A-17, §8-22A-18, and §8-22A-22 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §8-22A-34 and §8-22A-35, all relating to the West Virginia Municipal Police Officers and Firefighters Retirement System; defining terms; removing conflicting and obsolete statutory provisions; clarifying preretirement death benefits; clarifying commencement date of disability benefits; adding return to covered employment provisions; and adding a severability clause.

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

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 468—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry, fund 0250, fiscal year 2021, organization 0305, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Maynard:

Senate Bill 469—A Bill to amend and reenact §39-4-6 of the Code of West Virginia, 1931, as amended, relating to permitting personal appearance by video technology before notarial officer.

Referred to the Committee on the Judiciary.

By Senator Woelfel:

Senate Bill 470—A Bill to amend and reenact §5A-8-21 and §5A-8-22 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5A-8-24, all relating to clarifying that disclosure of certain information such as home addresses are exempt and disclosure would constitute an unreasonable invasion of privacy; relating to the prohibition of disclosure of home address or unpublished telephone number of certain public officials within the justice system; relating to the creation of a cause of action for intentional or reckless disregard for disclosure of protected information of certain public officials within the justice system; providing a procedure for removal request of certain information for certain public officials within the justice system; and providing a cause of action for failure to comply with a removal request of certain information for certain public officials within the justice system.

Referred to the Committee on Government Organization.

By Senator Maynard:

Senate Bill 471—A Bill to amend and reenact §15A-11-8 and 15A-11-9 of the Code of West Virginia, 1931, as amended, all relating to requiring the fire officer 2 training to contain a component on current laws, rules, and regulations governing the fire service; requiring the firefighter 1 training to contain a section on the Fire Commission, Fire Marshal's Office, and the operations of both; establishing a mandatory certification program for fire chiefs, or acting chiefs, of every fire department; requiring the Fire Commission propose emergency legislative rules and legislative rules to implement the certification process; setting forth the process of denial, suspension, or revocation of fire departments, chiefs, or acting chiefs, and the conditions under which the certification can be denied, suspended, or revoked; allowing persons with specialized training to be members of volunteer fire departments who are not certified as firefighters; limiting the actions of specialized members of fire departments who are not certified firefighters; requiring the Fire Commission to propose emergency legislative rules and legislative rules to implement the process of allowing specialized members of departments; allowing the Fire Commission to propose emergency rules and legislative rules governing the activities of junior firefighters; requiring the Fire Marshal to issue certificates to departments following a department evaluation; and requiring that certificate of evaluation be posted at the fire department in a conspicuous place to be visible to members of the department and to members of the public.

Referred to the Committee on Government Organization.

By Senator Maynard:

Senate Bill 472—A Bill to amend and reenact §30-1A-1, §30-1A-2, §30-1A-3, §30-1A-4, §30-1A-5, and §30-1A-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-1A-1a, all relating to regulation of occupations and professions; providing for legislative policy; providing for definitions; providing for criteria to analyze a required application to regulate an occupation or profession;

providing for the Performance Evaluation and Research Division to conduct an analysis of the application; providing for a rebuttable presumption against regulating an occupation or profession absent certain conditions; providing for criteria to assess harms to consumers and possible recommendations that may be instituted against an occupation or profession; providing for an economic study of the recommendations made; providing for a time frame for the Performance Evaluation and Research Division to conduct the analysis and return a report; providing for recommendations based on the assessed harm to consumers in the Performance Evaluation and Research Division's report; providing for additional recommendations and findings by the Joint Standing Committee on Government Organization; providing that additional findings by the Joint Standing Committee on Government Organization are made public; providing for the committee's findings and recommendations along with any report be submitted to any committee considering legislation prior to voting; providing for the Performance Evaluation and Research Division begin a review of existing licenses under certain criteria; providing for an effective date for licensure review; providing for a review of a certain percentage of licenses annually; providing for annual licensing review to be set by the chairs of the Joint Standing Committee on Government Organization; providing for an eight-year review schedule; providing for the Performance Evaluation and Research Division to report its findings and recommendations to the committee relating to licensing review; providing an effective date for the Performance Evaluation and Research Division to begin reporting its findings and recommendations to the committee; and providing for mechanisms of statutory interpretation relating to government regulations of occupations or professions.

Referred to the Committee on Government Organization.

By Senator Maynard:

Senate Bill 473—A Bill to amend and reenact §20-5-2 of the Code of West Virginia, 1931, as amended, relating to allowing primitive camping on state property; and requiring a primitive camping stamp.

Referred to the Committee on Natural Resources.

By Senator Clements:

Senate Bill 474—A Bill to amend and reenact §17-2A-13 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to utilize its own purchasing and contracting system; mandating compliance with Federal Highway Administration and other requirements; and requiring a procedural rule.

Referred to the Committee on Transportation and Infrastructure.

By Senator Tarr:

Senate Bill 475—A Bill to amend and reenact §19-1A-3 of the Code of West Virginia, 1931, as amended, to amend and reenact §19-1B-8 of said code; to amend said code by adding thereto a new section, designated §20-1-9a; to amend said code by adding thereto a new section, designated §21-1-5; to amend said code by adding thereto a new section, designated §22-1-11a; and to amend and reenact §30-1-10 of said code, all relating to dedicating fees collected by various agencies and licensing boards to General Revenue Fund; making technical corrections; providing for exceptions; and setting out an effective date.

Referred to the Committee on Finance.

By Senator Woelfel:

Senate Bill 476—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5B-20, relating to sexual assault forensic exams (rape kits); and requiring hospitals to staff qualified health care providers to conduct sexual assault forensic examinations and to collect sexual assault forensic examination kits.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 80, Allowing for administration of certain small estates by affidavit and without appointment of personal representative.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 80) passed with its title.

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

Eng. House Bill 2019, Elevating Economic Development and Tourism Departments.

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 House Bill 2019 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings,

Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2019) passed with its title.

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

The Senate proceeded to the ninth order of business.

Senate Bill 16, Providing continued eligibility for developmental disability services to dependents of military members.

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 53, Providing person criminally responsible for another's death may not be involved in burial arrangements.

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

On motion of Senator Karnes, the following amendment to the bill was reported by the Clerk:

On page one, section twenty-two-b, line four, after the word "deceased." by adding the following: The prohibition created by this section may be waived, in whole or in part, by order of the circuit court of the county in which the criminal charge or petition is pending for good cause shown.

Following discussion,

The question being on the adoption of the amendment offered by Senator Karnes to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 53), as amended, was then ordered to engrossment and third reading.

Senate Bill 308, Modifying requirement that racetrack participate in WV Thoroughbred Development Fund by certain date.

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 321, Clarifying and updating language regarding Fairmont State alumni license plates.

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

Senate Bill 338, Creating Fire Service Equipment and Training Fund.

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

Senate Bill 358, Removing prohibition on ATMs located in area where racetrack video lottery machines are located.

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

Senate Bill 374, Increasing threshold for bid requirement to \$10,000 to be consistent with other state agencies.

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 377, Relating to extension for boil water advisories by water utility or public service district.

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 389, Relating to State Resiliency Office responsibility to plan for emergency and disaster response, recovery, and resiliency.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 2012, Relating to public charter schools.

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

The following amendments to the bill, from the Committee on Education, were reported by the Clerk and considered simultaneously:

On page two, section one, lines thirty-four and thirty-five, by striking out the words “10 pilot public charter schools until July 1, 2023” and inserting in lieu thereof the words “3 pilot public charter schools until July 1, 2024”;

On page three, section one, line forty-three, by striking out the word “Legislator” and inserting in lieu thereof the word “Legislative”;

On page five, section two, line forty-seven, by striking out the word “an” and inserting in lieu thereof the words “a public or private nonprofit or for-profit”;

On page ten, section five, line thirty-four, after the word “purposes” by striking out the period and inserting the words

“except as needed under the provisions of the Public School Support Plan for funding purposes.”;

On page ten, section five, line thirty-nine, after the word “foundation” by inserting the word “allowance”;

On page thirteen, section six, lines fifty-six and fifty-seven by changing the colon to a period and striking out the proviso;

On page fifteen, section nine, line twenty-seven, by striking out the words “that set forth”;

On page sixteen, section nine, line fifty-seven by striking out the word “not”;

On page eighteen, section ten, line ten after the word “of” by inserting the words “the school year before”;

On page twenty, section ten, line sixty-eight, after the words “an authorizer” by inserting the words “revokes or”;

On page twenty, section ten, line sixty-nine, after the word “is” by inserting the words “revoked or”;

On page twenty, section ten, line seventy-six, after the word “threatened” by striking out the period and inserting the words “or if an administrator employed by or member of the governing board over the charter school is convicted of fraud or misappropriation of funds.”;

On page twenty-six, section fourteen, line four, by striking out the word “one” and inserting in lieu thereof the word “two”;

On page twenty-six, section fourteen, line six, by striking out “10” and inserting in lieu thereof the word “five”;

On page twenty-six, section fourteen, line six, after the word “year” by changing the semicolon to a colon and inserting the following proviso: “*Provided*, That a statewide virtual public

charter school shall enroll no more than 1,500 students total before July 1, 2024;”;

On page twenty-six, section fourteen, line seventeen after the words “Virtual public charter school” by inserting the word “funding”;

On page twenty-six, section fourteen, lines nineteen through twenty-two, by striking out all of subdivision (5) and inserting in lieu thereof a new subdivision (5) to read as follows:

(5) After enrolling a student who needs special education services, a virtual public charter school shall schedule a meeting of the student’s Individual Education Program (IEP) team. A virtual public charter school shall not deny or delay enrollment pending review during a student’s IEP team meeting.;

On page twenty-eight, section fourteen, line seventy-two, by striking out the word “the” and inserting in lieu thereof the word “this”;

And,

On pages thirty-one and thirty-two, section fifteen, lines sixty-six through seventy-four, by striking out all of subsection (k) and inserting in lieu thereof a new subsection (k), to read as follows:

(k) The Professional Charter School Board shall investigate official complaints submitted to it that allege serious impairments in the quality of education in a public charter school or virtual public charter school it has authorized pursuant to this article, or that allege such schools are in violation of the policies or laws applicable to them. The Professional Charter School Board also may at its own discretion conduct or cause to be conducted audits of the education and operation of public charter schools or virtual public charter schools it has authorized pursuant to this article that it determines necessary to achieve its mission of authorizing high-quality public charter schools. Upon a determination that serious impairments or violations exist, the Professional Charter School Board shall promptly notify in writing the public charter school

governing board of the perceived serious impairments or violations and provide reasonable opportunity for the school to remedy the serious impairments or violations. The Professional Charter School Board shall take corrective actions or exercise sanctions in response to apparent serious impairments or violations. If warranted, the actions or sanctions may include requiring a charter school to develop and execute a corrective action plan within a specified time frame.

On motion of Senator Sybolt, the following amendments to the Education committee amendments to the bill (Eng. Com. Sub. for H. B. 2012) were next reported by the Clerk and considered simultaneously:

On page one, by striking out the amendment on page two, section one, lines thirty-four and thirty-five in its entirety;

On page two, by striking out the amendment on page twenty, section ten, line seventy-six and inserting in lieu thereof the following: after the word “threatened”, by inserting a comma and the words “an administrator employed by or member of the governing board over the charter school is convicted of fraud or misappropriation of funds, there is a failure to meet generally accepted standards of financial management, there is a material breach of the charter contract, there is a substantial violation of any provision of law from which the public charter school is not exempted, or there are dire and chronic academic deficiencies”;

On page two, by striking out the following amendment: on page twenty-six, section fourteen, line six, after the word “year” by changing the semicolon to a colon and inserting the following proviso: “*Provided*, That a statewide virtual public charter school shall enroll no more than 1,500 students total before July 1, 2024;”;

And,

On page two, in the amendment on page twenty-six, section fourteen, lines nineteen through twenty-two, by striking out all of

subdivision (5) and inserting in lieu thereof a new subdivision (5) to read as follows:

(5) When enrolling a student who may require special education services, the same obligations apply to a virtual public charter school as applies to all other public charter schools. Enrollment shall not be denied or delayed on the basis of a disability and the charter school shall convene an Individualized Education Program (IEP) meeting after admission to ensure that the school develops an appropriate IEP in accordance with all of the requirements set forth in the Individuals with Disabilities Education Act (IDEA).

Following extended discussion,

The question being on the adoption of Senator Sypolt's amendments to the Education committee amendments to the bill (Eng. Com. Sub. for H. B. 2012), and on this question, Senator Romano demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Boley, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—19.

The nays were: Baldwin, Beach, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Stover, Unger, and Woelfel—15.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Sypolt's amendments to the Education committee amendments to the bill adopted.

Following a point of inquiry to the President, with resultant response thereto,

The question now being on the adoption of the Education committee amendments to the bill, as amended, and on this question, Senator Romano demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Boley, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—19.

The nays were: Baldwin, Beach, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Stover, Unger, and Woelfel—15.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the Education committee amendments to the bill, as amended, adopted.

On motion of Senator Baldwin, the following amendment to the bill (Eng. Com. Sub. for H. B. 2012) was next reported by the Clerk:

On page two, section one, line thirty-six, after the number “2023” by striking out the period and inserting in lieu thereof the following proviso: Provided, That of the ten schools established, three of the public charter schools shall be in school districts where children are historically underperforming and the proposed charter school is designed to provide specialized curriculum mentoring programs and alternative interdisciplinary frameworks which utilize evidence-based approaches to student assessment and instruction that will enhance underperforming students’ performance and graduation success.

Following discussion,

The question being on the adoption of Senator Baldwin’s amendment to the bill, and on this question, Senator Baldwin demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Stover, Unger, and Woelfel—12.

The nays were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—22.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Baldwin's amendment to the bill rejected.

On motion of Senator Romano, the following amendment to the bill (Eng. Com. Sub. for H. B. 2012) was next reported by the Clerk:

On page twenty, section ten, line seventy-six, after the word "funds." by inserting the following: Additionally, the West Virginia State Board of Education retains its authority and powers pursuant to §18-2E-1, et. seq. of this code to ensure students are receiving a thorough and efficient education.

Following discussion,

Senator Romano requested unanimous consent that the bill be advanced to third reading with Senator Romano's amendment pending and the right reserved to consider other amendments on that reading.

Which consent was not granted, Senator Rucker objecting.

Senator Romano then moved that the bill be advanced to third reading with Senator Romano's amendment pending and the right reserved to consider other amendments on that reading.

The question being on the adoption of Senator Romano's aforestated motion.

At the request of Senator Romano, and by unanimous consent, his aforestated motion was withdrawn.

At the further request of Senator Romano, unanimous consent being granted, Senator Romano's amendment to the bill was withdrawn.

Thereafter, at the request of Senator Plymale, and by unanimous consent, the bill (Eng. Com. Sub. for H. B. 2012) was advanced to third reading with the right for other amendments to be considered on that reading.

Eng. House Bill 2262, Relating to the controlled substance monitoring database.

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

The following amendments to the bill, from the Committee on Health and Human Resources, were reported by the Clerk, considered simultaneously, and adopted:

On page two, section five, line thirty-one, by striking out "30A-9-5(b)" and inserting in lieu thereof "§60A-9-5(b)";

On page two, section five, line thirty-two, by striking out "30A-9-5(b)" and inserting in lieu thereof "§60A-9-5(b)";

And,

On page seven, section five-a, line one, by striking out "§60A-2-101" and inserting in lieu thereof "§60A-2-201".

The bill (Eng. H. B. 2262), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 5, Relating to claims arising out of WV Consumer Credit and Protection Act.

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

Com. Sub. for Senate Bill 160, Authorizing Department of Revenue to promulgate legislative rules.

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

Senate Bill 248, Requiring DHHR collaborate with Workforce Development Board and WV Division of Personnel for purposes of job placement.

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

Senate Bill 311, Relating to acquisition and disposition of property by urban development authority.

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

Senate Bill 359, Informing landowners when fencing that may contain livestock is damaged due to accident.

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

Com. Sub. for Senate Bill 368, Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program.

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

Com. Sub. for Senate Bill 392, Creating penalty for impersonating law-enforcement officer or official.

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

Senate Bill 459, Relating to return of member's paid contributions to heirs after member's death under certain circumstances.

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

On motion of Senator Weld, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to engrossment and third reading.

Engrossed Senate Bill 459 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 459 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 459) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 459) takes effect from passage.

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

Senate Joint Resolution 4, Incorporation of Churches or Religious Denominations Amendment.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Maynard, Phillips, and Plymale.

At the request of Senator Phillips, and by unanimous consent, the Senate stood in observance of a moment of silence in recognition of the anniversary of the Buffalo Creek Disaster.

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 25, 2021:

Senate Bill 334: Senator Nelson;

Senate Bill 356: Senator Roberts;

Senate Bill 359: Senator Roberts;

Senate Bill 421: Senator Roberts;

Senate Bill 429: Senator Stollings;

Senate Bill 445: Senators Stollings, Woelfel, and Baldwin;

Senate Bill 446: Senators Stollings, Lindsay, Woelfel, and Baldwin;

Senate Bill 447: Senators Plymale, Karnes, and Nelson;

Senate Bill 448: Senator Romano;

Senate Bill 450: Senator Stollings;

Senate Bill 451: Senator Karnes;

Senate Bill 455: Senators Roberts and Karnes;

Senate Bill 458: Senators Smith and Karnes;

Senate Joint Resolution 2: Senator Stollings;

Senate Joint Resolution 10: Senators Martin and Phillips;

And,

Senate Concurrent Resolution 3: Senator Karnes.

Pending announcement of meetings of standing committees of the Senate, including a majority party caucus,

On motion of Senator Takubo, at 12:42 p.m., the Senate adjourned until Monday, March 1, 2021, at 11 a.m.

MONDAY, MARCH 1, 2021

The Senate met at 11:01 a.m.

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

Prayer was offered by the Honorable Glenn D. Jeffries, a senator from the eighth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ryan W. Weld, a senator from the first district.

Pending the reading of the Journal of Friday, February 26, 2021,

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

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for Senate Bill 14, Providing for additional options for alternative certification for teachers.

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 2265—A Bill to amend and reenact §30-5-7 and §30-5-19 of the Code of West Virginia, 1931, as amended, relating to collaborative pharmacy practice and updating rulemaking authority.

Referred to the Committee on Health and Human Resources.

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 2290—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-10Q-1, §18-10Q-2, §18-10Q-3, §18-10Q-4, and §18-10Q-5; all relating to initiating a State Employment First Policy to facilitate integrated employment of disabled persons; providing legislative findings; establishing a taskforce to develop a State Employment First Policy; providing for implementation of the State Employment First Policy; and providing definitions for “competitive integrated employment” and “customized employment”; and incorporating a sunset provision.

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

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 2529—A Bill to amend and reenact §18B-1-1e of the Code of West Virginia, 1931, as amended, relating to prohibiting state institutions of higher education from discriminating against graduates of private,

nonpublic, or home schools by requiring them to submit to alternative testing as a precondition for acceptance into the institution of higher education; and prohibiting institutions of higher education from rejecting a person with appropriate diploma or credentialing for admission to an institution of higher education solely because their secondary education was not accredited by the state Board of Education or agency the board approves.

Referred to the Committee on Education.

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

House Concurrent Resolution 15—Recognizing the last day of February every year as Rare Disease Day to bring awareness to various rare diseases and the need to continue to fund research and find a treatment.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 263, Permitting online raffles to benefit nonprofit organizations.

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

Com. Sub. for Senate Bill 263 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §47-20-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §47-21-2, all relating to authorizing charitable and public service organizations to raise funds by conducting charitable raffles and bingo virtually over the Internet; and defining terms.

Senate Bill 332, Providing procedure for WV to select delegates to Article V Convention.

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

Com. Sub. for Senate Bill 332 (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 §3-11A-1, §3-11A-2, §3-11A-3, §3-11A-4, and §3-11A-5, all relating to providing procedures for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America; defining terms; directing Legislature to establish committee of correspondence for Article V convention; authorizing participation by delegates in Article V convention only when each state has equal vote; setting forth delegate duties and responsibilities; setting forth oath for candidate for delegate or alternate; designating delegates and alternates as public officials and subject to West Virginia Governmental Ethics Act; providing for immediate recall of delegate casting unauthorized vote and replacement with alternate; directing Legislature to certify certain information to Article V convention; making violation of delegate's oath a felony; and providing criminal penalties for violation of a delegate's oath.

And,

Senate Bill 345, Expanding alcohol test and lock program to include offenders with drug-related offense.

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

Com. Sub. for Senate Bill 345 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17C-5A-3a of the Code of West Virginia, 1931, as amended, relating to expansion of the alcohol test and lock program to offenders with a drug-related offense; renaming the alcohol test and lock program to the Motor Vehicle Alcohol and Drug Test and Lock Program; authorizing the

commissioner to require drug testing; authorizing deferral of the revocation period for a participant with a drug offense; and authorizing an offender of driving while license suspended or revoked, driving while license revoked for driving under the influence of alcohol, controlled substances, or drugs, or while having alcoholic concentration in the blood of eight hundredths of one percent or more, by weight, or for refusing to take secondary chemical test of blood alcohol contents, to participate in the Motor Vehicle Alcohol and Drug Test and Lock Program.

With the recommendation that the three committee substitutes 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:

By Senator Jeffries:

Senate Bill 477—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-5i, relating to creating the West Virginia Children’s Vision Act; and requiring proof of vision examination of children enrolling in West Virginia public or private schools.

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

By Senator Weld:

Senate Bill 478—A Bill to amend and reenact §15-1J-4 of the Code of West Virginia, 1931, as amended, relating to permitting the use of established federal or state contracts.

Referred to the Committee on Military.

By Senator Weld:

Senate Bill 479—A Bill to amend and reenact §15-1G-10 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Service Decoration and West Virginia Service Cross.

Referred to the Committee on Military.

By Senator Jeffries:

Senate Bill 480—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-10Q-1, §18-10Q-2, §18-10Q-3, and §18-10Q-4, all relating to wages of persons with disabilities; initiating a State Employment First Policy to facilitate integrated employment of disabled persons; providing legislative findings; defining terms; establishing a taskforce to develop a State Employment First Policy; and providing for implementation of the State Employment First Policy.

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

By Senator Jeffries:

Senate Bill 481—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 Senator Karnes:

Senate Bill 482—A Bill to amend and reenact §18-7A-17 of the Code of West Virginia, 1931, as amended, relating to providing that members of the State Teachers Retirement System shall be considered absent from service as a teacher or nonteacher while serving as an officer with a statewide professional teaching association, or who have served in that capacity; and providing that retirants, who served in that capacity while members, shall be considered to have been absent from service as a teacher by reason of that service.

Referred to the Committee on Pensions.

By Senator Weld:

Senate Bill 483—A Bill to amend and reenact §44-1-1, §44-1-3, and §44-1-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §44-1-31, all relating to allowing an oath to be taken before any person authorized to administer oaths under the laws of this state.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 484—A Bill to amend and reenact §61-2-9a of the Code of West Virginia, 1931, as amended, relating to stalking; adding the word stalking in a previously defined offense.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 485—A Bill to amend and reenact §61-7-15a of the Code of West Virginia, 1931, as amended, relating to use or presentation of a firearm during the commission of a felony; and amending the offense to include possession of a firearm.

Referred to the Committee on the Judiciary.

By Senator Swope:

Senate Bill 486—A Bill to amend and reenact §5A-6-2, §5A-6-3, §5A-6-4, §5A-6-4b, §5A-6-4c, §5A-6-5, §5A-6-6, §5A-6-7, and §5A-6-8 of the Code of West Virginia, 1931, as amended, all relating to the Office of Technology; renaming the Chief Technology Officer; updating definitions; updating authority of the Chief Technology Officer; continuing special fund; providing an information technology governance structure for executive agencies; authorizing the Chief Technology Officer to provide training; authorizing the Project Management Office to review agency proposals for technology investment; providing criteria to evaluate proposals; authorizing the Project Management Office to maintain an enterprise technology portfolio; authorizing the Project Management Office to collect necessary data to develop a

technology portfolio; authorizing the Chief Technology Officer to establish an advisory committee; and authorizing the Chief Technology Officer to request resources and support from the federal government for cybersecurity and technology initiatives.

Referred to the Committee on Government Organization.

By Senator Swope:

Senate Bill 487—A Bill to amend and reenact §5A-3-10 and §5A-3-11 of the Code of West Virginia, 1931, as amended, all relating to updating state procurement procedures and spending thresholds; authorizing the Director of the Division of Purchasing to delegate bid solicitations and commodity procurement to spending units within thresholds to be determined by the director; authorizing the director to increase or decrease the dollar limit of agency-delegated procurements based upon inspection; providing a process for an agency to cure inspection findings; establishing method for calculation of total procurement by commodity; providing that agency-delegated procurements must follow the same process as procurements under the supervision of the Purchasing Division; providing access to agency-delegated procurement records as public records; and defining monetary ranges for different means of collecting competitive bids.

Referred to the Committee on Government Organization.

By Senator Maynard:

Senate Bill 488—A Bill to amend and reenact §7-18-13a and §7-18-14 of the Code of West Virginia, 1931, as amended, all relating to the distribution of hotel occupancy tax proceeds to convention and visitor's bureaus; providing that a convention and visitor's bureau shall satisfy certain requirements to receive funding from hotel occupancy taxes; requiring certain reporting from convention and visitor's bureaus; requiring triennial financial reviews of convention and visitor's bureaus; clarifying that the State Auditor and Legislative Auditor may review the operations and finances of a convention and visitor's bureau; prohibiting the authorization of a new convention and visitor's bureau that does not satisfy certain requirements; and clarifying that it is a

misdeemeanor offense for a member of a governing body to facilitate the distribution of hotel occupancy tax proceeds to a convention and visitor's bureau that does not satisfy certain requirements.

Referred to the Committee on Government Organization.

By Senator Clements:

Senate Bill 489—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to returning the refundable exemption for road construction contractors to the State Road Fund; transferring revenues collected from the state's consumers sales and service tax and the state's use tax to the State Road Fund; and specifying the effective date.

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

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 490—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Veterans' Assistance, Department of Veterans' Assistance, fund 0456, fiscal year 2021, organization 0613, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Clements:

Senate Bill 491—A Bill to amend and reenact §54-2-12, §54-2-13, §54-2-14, §54-2-14a, §54-2-15, §54-2-16, §54-2-18, and §54-2-21 of the Code of West Virginia, 1931, as amended, all relating to adjusting the interest rate to be paid in condemnation cases; changing the rate of interest from a fixed percentage to a floating rate tied to a federal discount rate; and updating language to meet modern legislative drafting standards.

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

By Senator Smith:

Senate Bill 492—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-32-1, §22-32-2, §22-32-3, §22-32-4, §22-32-5, §22-32-6, and §22-32-7, all relating generally to establishing and implementing a program to decommission and reclaim wind and solar electrical generation facilities upon closure; making legislative findings; stating legislative purpose; providing a short title; defining terms; requiring the owners of wind generation facilities and solar generation facilities to notify and provide certain information to the Department of Environmental Protection (DEP), including dates when operations began and plans with cost estimates for decommissioning facilities; requiring DEP to determine and assess a reclamation bond based on a facility's total disturbed acreage; establishing a minimum bond value of \$150,000; requiring the owners of said facilities to submit bonds payable to the state in a form and in a sum determined by the DEP, conditioned on the satisfactory decommissioning; providing that owners of said facilities may enter into alternative reclamation agreements after approval by the DEP; providing that the DEP may modify said plans after proper notification and appeals; providing exemptions from bond requirements for facilities with nameplate capacities of less than 0.5 megawatts; providing for administrative penalties for failure to submit decommissioning bonds of not more than \$10,000 for the first day and not more than \$500 for each additional day; providing appellate rights to the Environmental Quality Board; providing transfer of ownership provisions; providing for amended plans for allowing reductions in bond amounts; providing that bond submission does not absolve owners from complying with other applicable regulations and requirements; establishing a Wind and Solar Decommissioning Account within the Office of the West Virginia Treasurer in to which assessed penalties and accrued interest must be paid and held; providing that the account may only be used by the DEP to implement this article and adopted rules; providing that DEP shall administer this act using existing resources and the account; requiring the DEP to maintain and hold

bonds or other surety received; providing for the release of bonds after the DEP is satisfied property has been properly decommissioned in accordance with the plan; providing for bond forfeiture when a facility is not properly decommissioned, if the deficiencies are not rectified; providing that the Office of Environmental Remediation or a private entity by contract may decommission facilities; providing that DEP may file suit to enforce permit and plan conditions and to recoup costs of reclamation; authorizing rulemaking; and providing effective dates.

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

By Senator Azinger:

Senate Bill 493—A Bill to amend and reenact §33-12-8 and §33-12-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-12B-13 and §33-12B-14 of said code, all relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements; replacing the requirement that the Insurance Commissioner send license suspensions by certified mail with a requirement that the suspensions be sent by electronic mail or regular mail; requiring that each insurance producer or insurance adjuster report his or her respective electronic mail address and contact information to the Insurance Commissioner; and requiring the Insurance Commissioner to maintain certain information.

Referred to the Committee on Banking and Insurance.

By Senator Azinger:

Senate Bill 494—A Bill to amend and reenact §23-2C-16 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to transfer moneys from the Insurance Commission Fund, also known as the commissioner's operating fund, into the Workers' Compensation Old Fund to reduce any deficit balance of the Old Fund.

Referred to the Committee on Finance.

By Senator Woelfel:

Senate Bill 495—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8B-19, relating to creating a criminal offense of sexual extortion; and creating a criminal offense of sexual extortion by a person holding a position of trust, supervisory authority, or disciplinary power of another person.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 496—A Bill to amend and reenact §61-11-18 of the Code of West Virginia, 1931, as amended, relating to punishment for second or third offense felony; and authorizing the use of a conviction under any law of the United States or any other state for an offense that has substantially similar elements of a qualifying offense.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 497—A Bill to amend and reenact §61-11-8 of the Code of West Virginia, 1931, as amended, relating to the penalty for attempted murder; increasing the penalty for attempted murder of the first degree; and creating a new penalty for attempted murder of the second degree.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 498—A Bill to amend and reenact §61-8B-1 of the Code of West Virginia, 1931, as amended, relating to modifying the definition of “sexual contact”.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 499—A Bill to amend and reenact §60A-4-406 of the Code of West Virginia, 1931, as amended, relating to parole eligibility for drug distribution offenses; and adding distribution in, on, or within 100 feet of real property comprising a recovery residence, or offering treatment or counseling to persons suffering from substance use disorder.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 500—A Bill to amend and reenact §61-5-27 of the Code of West Virginia, 1931, as amended, relating to the criminal offense of intimidation of, and retaliation against, public officers and employees, jurors, and witnesses; and removing certain language from the elements of the offense.

Referred to the Committee on the Judiciary.

By Senators Hamilton, Stover, and Woodrum:

Senate Bill 501—A Bill to amend and reenact §20-2-42 of the Code of West Virginia, 1931, as amended, relating to indexing of license and stamp fees; and continuing the authority to index license and stamp fees.

Referred to the Committee on Natural Resources.

By Senators Hamilton, Stover, and Woodrum:

Senate Bill 502—A Bill to amend and reenact §20-2B-7 of the Code of West Virginia, 1931, as amended, relating to lifetime hunting, fishing, and trapping licenses for residents who have not reached their 15th birthday; providing that residents who have not reached their 15th birthday may be eligible to receive their lifetime hunting, fishing, and trapping license; providing that adopted children who have not reached their 15th birthday may be eligible to receive their lifetime hunting, fishing, and trapping license; providing that lifetime hunting, fishing, and trapping license fees for adopted children are calculated from the date of adoption decree

or order; and providing the Director of the Division of Natural Resources emergency legislative rule-making authority.

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

By Senator Hamilton:

Senate Bill 503—A Bill to amend and reenact §60A-4-401, §60A-4-407, and §60A-4-407a of the Code of West Virginia, 1931, as amended, relating to establishing the criminal offense of using or being under the influence of a controlled substance unless obtained directly from, or pursuant to, a valid prescription or order of a practitioner; providing criminal penalties for violation; providing for conditional discharge of offense for first violation; and providing additional conditions for authorizing additional requirements to obtain a final order of discharge and dismissal.

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 504—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-1-24, relating to review of any executive order issued by the President of the United States by the Legislature; and prohibiting the state, a political subdivision, or any other publicly funded organization from implementing an executive order that restricts a person's rights or that is determined unconstitutional by the West Virginia Attorney General.

Referred to the Committee on the Judiciary.

By Senator Unger:

Senate Bill 505—A Bill to amend and reenact §4-2-1 and §4-2-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §4-2-6a; and to amend and reenact §4-3-3c of said code, all relating to the establishment of the Office of Regulatory and Fiscal Affairs under the Joint Committee on Government and Finance; clarifying the duties of the Legislative Auditor; creating the Office of Regulatory and Fiscal Affairs as an advisory body to the Legislature;

establishing processes for the conduct of fiscal notes and economic impact analysis; requiring state agencies to provide information to the Office of Regulatory and Fiscal Affairs upon request; authorizing certain members of the Legislature to request an economic impact analysis of the rules of the state; permitting the chairs of the Joint Committee on Government and Finance to request certain performance reviews and analysis of existing statutes; and clarifying the organization of joint legislative agencies.

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

By Senator Clements:

Senate Bill 506—A Bill to amend and reenact §49-4-722 of the Code of West Virginia, 1931, as amended, relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services; and providing that such individuals who commit a criminal offense while in the custody of the bureau shall not be kept within sight or sound of adult inmates.

Referred to the Committee on the Judiciary.

By Senator Swope:

Senate Bill 507—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-22a; and to amend and reenact §15-5-26 of said code, all relating to providing exemptions from certain taxes for out-of-state businesses, out-of-state affiliates of in-state businesses, and their employees for work responding to declared disasters and states of emergency; making legislative findings; defining terms; specifying tax exemptions and their scope; establishing filing and notice procedures; and providing an immediate date of effect.

Referred to the Committee on Finance.

By Senator Woodrum:

Senate Bill 508—A Bill to amend and reenact §5A-8-15 of the Code of West Virginia, 1931, as amended, relating to public records management and preservation; and increasing available funds in the Public Records and Preservation Revenue Account for

grants to counties for records management, access, and preservation purposes.

Referred to the Committee on Government Organization.

By Senator Trump:

Senate Bill 509—A Bill to amend and reenact §27-5-3 of the Code of West Virginia, 1931, as amended, relating to involuntary hospitalization; removing a requirement that a determination of medical stability be found prior to admission to a mental health facility; and providing that a physical may be provided to the individual upon admission to the mental health facility.

Referred to the Committee on Health and Human Resources.

By Senator Maynard:

Senate Bill 510—A Bill to amend and reenact §8-12-20 of the Code of West Virginia, 1931, as amended, relating to extending Adopt-A-Street programs to unimproved public roads; extending the concept to authorize volunteer improvements to the roadway and road surface; empowering nonprofit entities to administer any necessary roadwork improvements; and providing provisions for disposal of solid waste left along the roadways.

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

By Senators Takubo, Maynard, Smith, and Weld:

Senate Bill 511—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32; and to amend and reenact §57-5-4j of said code, all relating to preventing compensatory damage awards for medical expenses from including sums that the claimant has not and will not pay for medical services or treatment.

Referred to the Committee on the Judiciary.

By Senators Takubo, Trump, Maynard, and Smith:

Senate Bill 512—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§55-7-32; and to amend and reenact §55-7G-4 and §55-7G-8 of said code, all relating to the filing of asbestos and silica claims; providing that a product liability defendant may not be held liable for products sold by a third party; providing that plaintiffs shall include sworn information with any asbestos or silica action filed after the effective date of the amendments to the code; specifying the information to be included in sworn information; providing for the dismissal without prejudice of asbestos or silica actions filed against defendants whose product or premises have not been identified; providing for the dismissal without prejudice of asbestos or silica actions for failure to comply with sworn information filing requirements; and allowing for the consolidation of any asbestos or silica actions with the consent of all parties.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 513—A Bill to repeal §20-2-5f of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-1-2, §20-2-5, §20-2-22a, and §20-2-44b of said code, all relating to the regulation of natural resources; modifying definitions of “commissioner”, “game fish”, and “open season”; and relating to hunting dog training season, bear hunting dog training season, and the bear damage stamp.

Referred to the Committee on Natural Resources.

By Senators Smith and Takubo:

Senate Bill 514—A Bill to amend and reenact §20-1-16 of the Code of West Virginia, 1931, as amended, relating to the Natural Resources Commission; providing for the composition and membership of the commission; providing criteria and qualifications for the appointment of commissioners; and providing for reimbursement of expenses for commissioners.

Referred to the Committee on Natural Resources.

Senators Smith, Azinger, Boley, Karnes, Martin, Phillips, Roberts, Rucker, Swope, Sypolt, Tarr, Weld, and Woodrum offered the following resolution:

Senate Concurrent Resolution 10—Applying to and urging Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States to limit the terms of office that a person may be elected as a member of the United States House of Representatives, and to set a limit on the number of terms that a person may be elected as a member of the United States Senate.

Whereas, The Legislature of West Virginia hereby makes an application to Congress, as provided by Article V of the Constitution of the United States, to call a convention limited to proposing an amendment to the Constitution of the United States to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives, and to set a limit on the number of terms that a person may be elected as a member of the United States Senate; and

Whereas, This application shall be considered as covering the same subject matter as the applications from other states to Congress to call a convention to set a limit on the number of terms that a person may be elected to the House of Representatives of the Congress of the United States and the Senate of the United States; and this application shall be aggregated with same for the purpose of attaining the two thirds of states necessary to require Congress to call a limited convention on this subject, but shall not be aggregated with any other applications on any other subject; and

Whereas, This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of the several states have made applications on the same subject; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States to call a convention limited to proposing an amendment to the Constitution of the United States of America to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives or as a member of the United States Senate; and, be it

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

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

Eng. Senate Bill 16, Providing continued eligibility for developmental disability services to dependents of military members.

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

Pending discussion,

The question being “Shall Engrossed Senate Bill 16 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings,

Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 16) passed with its title.

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

Eng. Com. Sub. for Senate Bill 53, Providing person criminally responsible for another's death may not be involved in burial arrangements.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 53) 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 53—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-6-22b, relating to barring a person who has been charged by a criminal complaint, indictment, or a child abuse petition with willfully and intentionally causing the death of another from participating in or planning the funeral or burial of the deceased; and authorizing the circuit court of the county in which the charge or petition is pending to waive the prohibition, in whole or in part, for good cause shown.

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

Eng. Senate Bill 308, Modifying requirement that racetrack participate in WV Thoroughbred Development Fund by certain date.

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

On the passage of the bill, the yeas were: Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Azinger and Martin—2.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 308) passed with its title.

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

Eng. Com. Sub. for Senate Bill 321, Clarifying and updating language regarding Fairmont State alumni license plates.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 321) passed with its title.

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

Eng. Senate Bill 338, Creating Fire Service Equipment and Training Fund.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 338) passed.

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

Eng. Senate Bill 338—A Bill to amend and reenact §15A-11-11 of the Code of West Virginia, 1931, as amended, relating to continuing the Fire Service Equipment and Training Fund; restricting use of grant funds to specified purposes; specifying disposition of grant funds remaining in fund at the end of the fiscal year; requiring Fire Commission to establish an equipment and training grant program for volunteer and part-volunteer companies based upon certain circumstances; specifying criteria State Fire Marshal shall consider when making grants; authorizing Fire Commission to propose emergency legislative rules and legislative rules; requiring Legislative Auditor notify State Fire Marshal of any volunteer or part-volunteer department that is ineligible to receive grant funds; and making volunteer or part-volunteer department or companies ineligible to receive grant funds until Legislative Auditor informs State Fire Marshal that the company or department has come into compliance.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 338) takes effect from passage.

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

Eng. Senate Bill 358, Removing prohibition on ATMs located in area where racetrack video lottery machines are located.

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

Pending discussion,

The question being “Shall Engrossed Senate Bill 358 pass?”

On the passage of the bill, the yeas were: Clements, Grady, Hamilton, Maroney, Martin, Maynard, Nelson, Phillips, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—18.

The nays were: Azinger, Baldwin, Beach, Boley, Caputo, Ihlenfeld, Jeffries, Karnes, Lindsay, Plymale, Roberts, Romano, Stollings, Unger, and Woelfel—15.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 358) passed with its title.

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

Eng. Senate Bill 374, Increasing threshold for bid requirement to \$10,000 to be consistent with other state agencies.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson,

Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 374) passed with its title.

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

Eng. Com. Sub. for Senate Bill 377, Relating to extension for boil water advisories by water utility or public service district.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 377) passed with its title.

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

Eng. Com. Sub. for House Bill 2012, Relating to public charter schools.

On third reading, coming up in regular order, with the right having been granted on Friday, February 26, 2021, for other amendments to be received on third reading, was reported by the Clerk.

On motion of Senator Romano, the following amendment to the bill was reported by the Clerk:

On page nine, section five, lines nineteen through twenty-six, by striking out all of subsection (b) and inserting in lieu thereof a new subsection, designated subsection (b), to read as follows:

(b) The state board shall promulgate a rule in accordance with §29A-3B-1 *et seq.* of this code to ensure that the accountability of public charter schools meet the standards for student performance required of other public school students under §18-2E-5 of this code and the accountability of authorizers for ensuring that those standards are met in the schools authorized by it. If an authorizer fails to close a public charter school that does not meet the standards, the authorizer shall appear before the state board to justify its decision. The state board may uphold or overturn the authorizer's decision and may revoke the authority of the authorizer to authorize public charter schools.

Following discussion,

The question being on the adoption of Senator Romano's amendment to the bill (Eng. Com. Sub. for H. B. 2012), and on this question, Senator Romano demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Romano, Stollings, Unger, and Woelfel—10.

The nays were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Plymale,

Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—23.

Absent: Stover—1.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Romano's amendment to the bill rejected.

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 2012), as amended on Friday, February 26, 2021, was then read a third time and put upon its passage.

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 2012 pass?"

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Woodrum, and Blair (Mr. President)—19.

The nays were: Baldwin, Beach, Caputo, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, Weld, and Woelfel—14.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2012) passed.

At the request of Senator Rucker, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the title of the bill was withdrawn.

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

Eng. Com. Sub. for House Bill 2012—A Bill to amend and reenact §18-5G-1, §18-5G-2, §18-5G-4, §18-5G-5, §18-5G-6, §18-5G-9, §18-5G-10, and §18-5G-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §18-5G-13, §18-5G-14, and §18-5G-15, all relating to public charter schools; amending provisions pertaining to the number of public charter schools that may be authorized; requiring the Legislative Auditor to conduct an audit of the public charter school program two years after the first public charter school commences operations; amending process applicable when an applicant applies to two or more county boards to authorize a public charter school; allowing the West Virginia Professional Charter School Board to authorize public charter schools; clarifying that an education service provider can be public or private and nonprofit or for-profit; defining “full-time virtual public charter school” and “West Virginia Professional Charter School Board”; amending provisions pertaining to revocation of a charter contract; amending timeline for charter school application and beginning operations; requiring public charter schools to be treated and act as their own local education agency for all purposes; specifying exception; prohibiting anything in certain State Board of Education rule from conflicting with code; setting deadline for certain State Board of Education rules; amending provisions pertaining to the charter contract; amending provisions pertaining to the renewal of a charter contract; creating a process by which to appeal certain authorizer decisions to the West Virginia Board of Education; setting forth parameters under which the Professional Charter School board and county boards may authorize a limited number of virtual public charter schools; addressing virtual public charter school enrollment limits, charter term, funding, enrollment of students who may require special education services, governing body training, student absence, instructional time requirements, requirements that are applicable to the traditional deliver of instruction, student orientation, data demonstrating progress toward graduation, requirements relating to student engagement and teacher responsiveness, a policy regarding failure to participate

in instructional activities, educational placement upon student transfer, virtual charter schools enrolling students in grades six and below, and application of requirements to certain other virtual instructional program; establishing the West Virginia Professional Charter School Board; providing for members, appointments, removal, immunity from civil liability in certain instances, appointment of executive director, employment of staff, and reimbursement of certain expenses; limiting how official actions of nonvoting ex officio members may be construed; requiring the Professional Charter School Board to investigate certain complaints and allowing it to conduct or cause to be conducted certain audits; and making technical improvements and corrections.

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

Eng. House Bill 2262, Relating to the controlled substance monitoring database.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2262) 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 5, Relating to claims arising out of WV Consumer Credit and Protection Act.

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 160, Authorizing Department of Revenue to promulgate legislative rules.

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

Senate Bill 248, Requiring DHHR collaborate with Workforce Development Board and WV Division of Personnel for purposes of job placement.

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

Senate Bill 311, Relating to acquisition and disposition of property by urban development authority.

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

Senate Bill 359, Informing landowners when fencing that may contain livestock is damaged due to accident.

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 368, Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program.

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 389, Relating to State Resiliency Office responsibility to plan for emergency and disaster response, recovery, and resiliency.

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

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

On page two, section two, line twenty-two, after the word "Senate," by inserting the words "one from each party,";

And,

On page two, section two, line twenty-three, after the word "Delegates," by inserting the words "one from each party,".

The bill (Com. Sub. for S. B. 389), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 392, Creating penalty for impersonating law-enforcement officer or official.

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

Senate Joint Resolution 4, Incorporation of Churches or Religious Denominations Amendment.

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

Com. Sub. for Senate Bill 102, Allowing disabled veterans and purple heart recipients park free at paid parking of state or its political subdivisions.

Com. Sub. for Senate Bill 356, Allowing for written part of drivers' exam given in high school drivers' education course.

And,

Com. Sub. for Senate Bill 387, Relating to drug screening of applicants for cash assistance.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Roberts, Tarr, Unger, and Weld.

Thereafter, at the request of Senator Trump, and by unanimous consent, the remarks by Senators Unger and Weld were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bill and resolution on February 26, 2021:

Senate Bill 8: Senator Grady;

And,

Senate Joint Resolution 10: Senator Woelfel.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 26, 2021:

Senate Bill 18: Senator Stollings;

Senate Bill 19: Senator Stollings;

- Senate Bill 22:** Senator Stollings;
- Senate Bill 73:** Senator Stollings;
- Senate Bill 231:** Senator Woelfel;
- Senate Bill 261:** Senator Woelfel;
- Senate Bill 309:** Senator Woelfel;
- Senate Bill 332:** Senator Woodrum;
- Senate Bill 361:** Senators Lindsay and Azinger;
- Senate Bill 365:** Senator Azinger;
- Senate Bill 378:** Senator Lindsay;
- Senate Bill 394:** Senator Lindsay;
- Senate Bill 404:** Senator Lindsay;
- Senate Bill 410:** Senator Lindsay;
- Senate Bill 415:** Senator Lindsay;
- Senate Bill 434:** Senator Grady;
- Senate Bill 445:** Senator Grady;
- Senate Bill 450:** Senator Lindsay;
- Senate Bill 460:** Senators Phillips and Stollings;
- Senate Bill 462:** Senator Stollings;
- Senate Bill 464:** Senators Beach, Woelfel, and Stollings;
- Senate Bill 465:** Senators Weld and Stollings;
- Senate Bill 467:** Senators Phillips and Stollings;

Senate Bill 469: Senator Stollings;

Senate Bill 470: Senators Ihlenfeld, Rucker, Lindsay, and Caputo;

Senate Bill 473: Senator Rucker;

Senate Bill 474: Senators Swope, Stollings, and Roberts;

Senate Bill 476: Senators Lindsay and Caputo;

Senate Joint Resolution 8: Senator Azinger;

And,

Senate Concurrent Resolution 5: Senator Azinger.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:44 p.m., the Senate adjourned until tomorrow, Tuesday, March 2, 2021, at 11 a.m.

TUESDAY, MARCH 2, 2021

The Senate met at 11:01 a.m.

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

Prayer was offered by Tom Saunders, Senate Assistant Doorkeeper, Dunbar, West Virginia.

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

Pending the reading of the Journal of Monday, March 1, 2021,

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

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

The Clerk presented the following communication from a state agency as required by the provisions of law:

Environmental Protection, Department of (Effectiveness of Rehabilitation Environmental Action Plan) (§22-15A-5)

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. Com. Sub. for House Bill 2267—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-2-15, relating to authorizing recruitment and training programs for prospective bus operators; providing required approval, limitations and elements of locally funded recruitment and training programs; establishing no entitlement to employment upon completion of the program; and not permitting seniority to accrue for time spent during completion of the program.

Referred to the Committee on Education.

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

Eng. Com. Sub. for House Bill 2616—A Bill to amend and reenact §16-5N-2 and §16-5N-3 of the Code of West Virginia, 1931, as amended, all relating to residential care communities; updating definitions; requiring a report to be published on a

website; requiring specific information to be reported; and making technical changes.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

Senator Hamilton, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 381, Creating nonresident three-day fishing license.

And,

Senate Bill 501, Continuing and indexing of license and stamp fees.

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

Respectfully submitted,

Bill Hamilton,
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 434, Requiring training for law-enforcement officers specific to interviewing victims of sexual assault.

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

Com. Sub. for Senate Bill 434 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §30-29-3 of the Code of West Virginia, 1931, as amended, relating to law-enforcement training for investigating sexual assault cases involving adult victims; requiring the Law-Enforcement Professional Standards Subcommittee of the Governor’s Committee on Crime, Delinquency, and Correction to develop standards and procedures for law-enforcement officers responsible for investigating sexual assault cases involving adult victims; and setting forth required components of training.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 463, Consolidating position of Inspector General of former Workers’ Compensation Fraud and Abuse Unit and position of Director of Insurance Fraud Unit.

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

Respectfully submitted,

Michael T. Azinger,
Chair.

Senator Hamilton, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 502, Providing lifetime hunting, fishing, and trapping license to residents and adopted children under 15.

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

Respectfully submitted,

Bill Hamilton,
Chair.

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

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills and joint resolution were considered introduced, read by their titles, and referred to the appropriate committees:

By Senator Nelson:

Senate Bill 515—A Bill to amend and reenact §11-21-8 of the Code of West Virginia, 1931, as amended, relating to providing new graduates of an in-state or out-of-state higher educational institution, community or technical college, or trade school, up to a \$50,000 tax modification to the income tax of the graduate for up to four taxable years; providing rule-making authority to the Tax Commissioner; and removing expired language.

Referred to the Committee on Finance.

By Senator Maroney:

Senate Bill 516—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-30, relating to PEIA hospital inpatient rates; requiring the plan

to reimburse any hospital that provides inpatient care to a beneficiary covered by the plan no less than 90 percent of the Inpatient Prospective Payment System Diagnostic Related Group assigned amount then in effect for the federal fee for service component of the Medicare program by July 1, 2023; and requiring the plant to reimburse the Inpatient Prospective Payment System Diagnostic Related Group assigned amount then in effect for the federal fee for service component of the Medicare program by July 1, 2024.

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

By Senator Sypolt:

Senate Bill 517—A Bill to amend and reenact §29A-3-19 of the Code of West Virginia, 1931, as amended, relating to sunset provisions of legislative rules; removing the five-year sunset requirement for new legislative rules after initial five-year sunset provision; requiring all legislative rules to sunset on July 1 of the applicable year effective July 1, 2021; authorizing the Secretary of State to modify all active legislative rules with sunset provisions in accordance with this requirement; and requiring the Secretary of State to file a notice of sunset in the State Register upon the expiration of a legislative rule.

Referred to the Committee on Government Organization.

By Senator Rucker:

Senate Bill 518—A Bill to amend and reenact §31B-8-809 of the Code of West Virginia, 1931, as amended; to amend and reenact §31E-13-1320 of said code; to amend and reenact §31D-14-1420 of said code; and to amend and reenact §47-9-10a of said code, all relating to grounds for administrative dissolution of a limited liability company, corporation, nonprofit corporation, and limited partnership; providing an application process for reinstatement; and providing for an appeal process for the above-named entities.

Referred to the Committee on the Judiciary.

By Senator Swope:

Senate Bill 519—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, and §21-5I-4, all relating to prohibiting political subdivisions from enacting any ordinance, regulation, local policy, local resolution, or other legal requirements regulating certain areas of the employer-employee relationship and the sale or marketing of consumer merchandise; establishing a short title; establishing areas where political subdivisions are prohibited from enacting or promulgating ordinances, local policies, or local regulations; and providing for exceptions and applicability.

Referred to the Committee on the Judiciary.

By Senator Hamilton:

Senate Bill 520—A Bill to amend and reenact §20-2B-7 of the Code of West Virginia, 1931, as amended, relating to allowing foster parents to purchase lifetime hunting, trapping, and fishing licenses for their foster children.

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

By Senator Rucker:

Senate Bill 521—A Bill to amend and reenact §30-18-9 and §30-18-10 of the Code of West Virginia, 1931, as amended, all relating to extending the licensure renewal term of a private investigator, security guard, and private investigator or security guard firms from one to two years.

Referred to the Committee on Government Organization.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 522—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Commerce, Division of Labor - Elevator Safety Fund, fund 3188, fiscal year 2021,

organization 0308; the Department of Commerce, Division of Labor - Bedding and Upholstery Fund, fund 3198, fiscal year 2021, organization 0308; and that Chapter 11, Acts of the Legislature, Regular Session, 2020, known as the budget bill, be supplemented and amended by adding to Title II a new item of appropriation to the Department of Commerce, Division of Natural Resources – West Virginia Parks and Recreation Endowment Fund, fund 3211, fiscal year 2021, organization 0310, by supplementing, amending and adding appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Maynard:

Senate Bill 523—A Bill to amend and reenact §24-2H-3, §24-2H-5, and §24-2H-8 of the Code of West Virginia, 1931, as amended, all relating to correcting certain code references.

Referred to the Committee on Government Organization.

By Senator Maynard:

Senate Bill 524—A Bill to amend and reenact §24-6-6b of the Code of West Virginia, 1931, as amended, relating to correcting an error in the 911 fee; providing clarification on the calculation of three percent fee retained by commercial mobile radio service providers; providing that payments to counties are based on net 911 fee revenues received by the commission; and requiring the public safety fee to be shown as two separate line items on a subscriber's bill.

Referred to the Committee on Finance.

By Senator Nelson:

Senate Bill 525—A Bill to amend and reenact §19-23-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §29-22A-12 of said code; and to amend and reenact §29-22C-3 and §29-22C-8 of said code, all relating to allowing for the establishment of a secondary location for pari-mutual wagering on simulcast races, racetrack video lottery terminals, and racetrack

table games of licensed racetracks at an alternative location within the current county of the licensed racetrack.

Referred to the Committee on Finance.

By Senator Swope:

Senate Bill 526—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, §21-5I-4, §21-5I-5, and §21-5I-6, all relating to the Uniform Worker Classification Act; and clarifying definition of independent contractor.

Referred to the Committee on the Judiciary.

By Senator Swope:

Senate Bill 527—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, and §21-5I-4, all relating to prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements; providing a short title; 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 an exception; 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 may 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; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates work stoppage, strike activity, or means by which employees organize; 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 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 an exception; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards of care or conduct of certain professions; 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 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 the Judiciary.

By Senator Swope:

Senate Bill 528—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, relating generally to the Local Control and Accountability Act; providing counties with authority to impose a one percent county sales tax under certain circumstances; clarifying that a county sales tax does not apply in municipalities already imposing a municipal sales tax; clarifying applicability of county sales tax when a portion of the county is annexed by a municipality with an existing municipal sales tax; and requiring counties imposing a county sales tax to use the services of the Tax Commissioner to administer the tax.

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

By Senator Maynard:

Senate Bill 529—A Bill to amend and reenact §17A-6-6 of the Code of West Virginia, 1931, as amended, relating to refusal or issuance of a license certificate; and correcting an erroneous code citation.

Referred to the Committee on Transportation and Infrastructure.

By Senator Tarr:

Senate Bill 530—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-12-5b, relating to specifying additional grounds for revocation, cancellation, or suspension of business registration certificates; authorizing revocation, cancellation, or suspension where the registrant has filed a false or fraudulent application for a business registration certificate, failed to pay taxes, additions to taxes, penalties, or interest, or where the Secretary of State has revoked the registrant's authority to conduct business; directing means of notice and opportunity for cure; providing procedures therefor; and specifying effective date.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 531—A Bill to amend and reenact §11-10-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-10-14e, all relating to incomplete, duplicative, or redundant claims for refund; providing that interest does not run a claim for refund until a lawful, mathematically, uncontested correct claim for refund has been filed; providing for definitions; providing that incomplete, overlapping, duplicative, and conflicting claims for refund or credit will be rejected and requiring taxpayers to file one comprehensive claim for refund or credit; providing that the Tax Commissioner may require additional documentation to substantiate claims for refund or credit; providing time for the Tax Commissioner to

review the documentation before any appeal; and clarifying existing language.

Referred to the Committee on Finance.

By Senator Tarr:

Senate Bill 532—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-10-5ee, relating to limitations on claiming state tax credits and rebates; and providing rule-making authority.

Referred to the Committee on Finance.

By Senator Tarr:

Senate Bill 533—A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended, relating to allowable limits of business and occupation taxes imposed on sale of automobiles.

Referred to the Committee on Finance.

By Senator Tarr:

Senate Bill 534—A Bill to amend and reenact §31-15-6 of the Code of West Virginia, 1931, as amended, relating to authorizing and permitting the Economic Development Authority to make working capital loans from a revolving loan fund capitalized with federal grant funds including those federal grant funds received from the United States Economic Development Administration.

Referred to the Committee on Finance.

By Senator Weld:

Senate Bill 535—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to whom Workers' Compensation Fund is disbursed; removing the expiration of rebuttable presumptions for certain injuries and diseases for professional firefighters; and removing expiration of rebuttable presumption regarding leukemia, lymphoma, or multiple myeloma arising out of, and in the course of, employment as a firefighter.

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

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 536—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to WorkForce West Virginia – Workforce Investment Act, fund 8749, fiscal year 2021, organization 0323, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Weld:

Senate Joint Resolution 11—Proposing an amendment to the Constitution of the State of West Virginia, amending section four, article VII thereof, relating to preventing any individual from serving in the office of Secretary of State, Auditor, Treasurer, Commissioner of Agriculture, or Attorney General for more than three consecutive terms; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senators Tarr and Grady offered the following resolution:

Senate Concurrent Resolution 11—Requesting the Division of Highways name a bridge carrying the newly erected US Route 35, located near Point Pleasant in Mason County, West Virginia, the “Darrell Chester Stone, Jr., Memorial Bridge”.

Whereas, Darrell Chester Stone, Jr., known in his community as “Chester”, was born on July 10, 1946, in Parkersburg, West Virginia. He resided most of his life in Mason County, West Virginia; and

Whereas, Upon graduation from Point Pleasant High School, Chester was drafted to serve the US Army on April 18, 1966, at age 20. He served until December 15, 1967; and

Whereas, Chester served during the Vietnam War until he was discharged due to serious injuries, including the loss of his left leg; and

Whereas, Chester lost his leg following injuries sustained on January 26, 1967, when his armored personnel carrier hit a landmine near the Dau Tien Vietnam base camp; and

Whereas, Chester was treated at the 45th Surgical Hospital and 36th Evacuation Hospital before he was evacuated and transferred to Walter Reed General Hospital on February 11, 1967, where he required additional treatment for approximately one year; and

Whereas, Chester was awarded the Purple Heart, the National Defense Service Medal, Vietnam Service Medal, and the Republic Vietnam Campaign Medal with Device for his service and bravery; and

Whereas, Upon return to Mason County, West Virginia, following his service, Chester went on to work as a heavy machine operator, truck driver, farmer, and ultimately retired from Appalachian Electric Power's John Amos power plant in Winfield, West Virginia; and

Whereas, Chester was also a valued member of the Mason County community, where he served as an active member of the VFW Post #9926 (Mason, WV) and American Legion Post #23 (Point Pleasant, WV); and

Whereas, sadly, Chester passed away November 17, 2019, at the age of 73, after battling a long illness; and

Whereas, Chester is survived by his wife, Stella Stone, and two children, CJ Stone and Tracy Stone Ritchie, all residents of West Virginia; and

Whereas, following his passing, Chester has left a great legacy for his family and community. All who knew him celebrated his work ethic, love of family, and paternal leadership; and

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

Resolved by the Legislature of West Virginia:

That the Division of Highways name a bridge carrying the newly erected US Route 35, located near Point Pleasant in Mason County, West Virginia, as the “Darrell Chester Stone, Jr. Memorial Bridge”; and, be it

Further Resolved, That the commissioner of the Division of Highways is requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the “Darrell Chester Stone, Jr. Memorial Bridge”; and, be it

Further Resolved, That the clerk of the House of Delegates forward a copy of this resolution to the commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senator Rucker offered the following resolution:

Senate Resolution 10—Recognizing the Children’s Home Society for their dedication and commitment to promoting the well-being of all West Virginia children.

Whereas, The Children’s Home Society will be celebrating 125 years of service in our great state; and

Whereas, The Children’s Home Society of West Virginia is a private, non-profit child welfare organization founded in 1896. They are licensed to provide child welfare and behavioral health services in West Virginia. Comprehensive child welfare, behavioral health, social casework, and support services are

provided to over 10,000 children each year from 13 primary locations throughout the state; and

Whereas, In 2020, the Children's Home Society provided service to over 15,860 children and their families in programs such as foster care, adoption, emergency child shelters, and several other community based programs; and

Whereas, The Children's Home Society maintains a history of advocating for child welfare issues and a duty to educate for the best interest of our state's children; and

Whereas, The Children's Home Society strives to grow and assess needs in these changing times to keep children safe at home or assist in finding them a safe place to be, so they do not end up homeless or alone; and

Whereas, The Children's Home Society relies on state and federal funding for quality services as well as support from the communities served to maintain a completely based West Virginia agency with no outside interest; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the Children's Home Society for their dedication and commitment to promoting the well-being of all West Virginia children; and, be it

Further Resolved, That the Senate extends its most sincere gratitude and appreciation to the Children's Home Society for the work they do to ensure all children have a safe place to rest at night; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Children's Home Society.

Which, under the rules, lies over one day.

Petitions

Senator Caputo presented a petition from Samantha Young and 60 West Virginia educators, opposing various bills pertaining to public education.

Referred to the Committee on Education.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 537 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-2-14a of the Code of West Virginia, 1931, as amended, relating to the offense of kidnapping generally; and clarifying elements of the offense.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 10, Calling Article V convention proposing term limits.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on the Judiciary.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 5, Relating to claims arising out of WV Consumer Credit and Protection Act.

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 5 pass?”

On the passage of the bill, the yeas were: Azinger, Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—23.

The nays were: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Romano, Stollings, and Unger—9.

Absent: Boley and Stover—2.

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. 5) passed with its title.

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

Eng. Com. Sub. for Senate Bill 160, Authorizing Department of Revenue to promulgate legislative rules.

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 160 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Stover—2.

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. 160) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Stover—2.

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. 160) takes effect from passage.

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

Eng. Senate Bill 248, Requiring DHHR collaborate with Workforce Development Board and WV Division of Personnel for purposes of job placement.

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, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Stover—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 248) passed with its title.

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

Eng. Senate Bill 311, Relating to acquisition and disposition of property by urban development authority.

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, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Stover—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 311) passed with its title.

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

Eng. Senate Bill 359, Informing landowners when fencing that may contain livestock is damaged due to accident.

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, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Stover—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 359) passed with its title.

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

Eng. Com. Sub. for Senate Bill 368, Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for Senate Bill 389, Relating to State Resiliency Office responsibility to plan for emergency and disaster response, recovery, and resiliency.

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, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Stover—2.

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. 389) passed with its title.

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

Eng. Com. Sub. for Senate Bill 392, Creating penalty for impersonating law-enforcement officer or official.

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, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope,

Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Stover—2.

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. 392) passed with its title.

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

Eng. Senate Joint Resolution 4, Incorporation of Churches or Religious Denominations Amendment.

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

Pending extended discussion,

The question being “Shall Engrossed Senate Joint Resolution 4 be adopted?”

Senators Baldwin, Unger, and Roberts respectively requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate as they are pastors.

The Chair replied that any impact on Senators Baldwin, Unger, and Roberts would be as members of a class of persons and that they would be required to vote.

On the adoption of the resolution, the yeas were: Azinger, Baldwin, Beach, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Stover—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the resolution (Eng. S. J. R. 4) adopted, as follows:

Eng. Senate Joint Resolution 4—Proposing an amendment to the Constitution of the State of West Virginia, amending section 47, article VI thereof, relating to authorizing the incorporation of religious denominations; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2022, which proposed amendment is that section 47, article VI thereof, be amended to read as follows:

Article VI. The Legislature.

§47. Incorporation of religious denominations ~~prohibited~~ permitted.

~~No charter of incorporation shall be granted to any church or religious denomination.~~ Provisions may be made by general laws for securing the title to church property, and for the sale and transfer thereof, so that it shall be held, used, or transferred for the purposes of such church or religious denomination. Provisions may also be made by general laws for the incorporation of churches or religious denominations.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered “Amendment No.

1” and designated as the “Incorporation of Churches or Religious Denominations Amendment” and the purpose of the proposed amendment is summarized as follows: “To authorize the incorporation of churches or religious denominations.”

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 102, Allowing disabled veterans and purple heart recipients park free at paid parking of state or its political subdivisions.

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 356, Allowing for written part of drivers’ exam given in high school drivers’ education course.

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 387, Relating to drug screening of applicants for cash assistance.

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

On motion of Senator Stollings, the following amendment to the bill was reported by the Clerk:

On page one, section six, line sixteen, by striking out the word “marijuana,”.

Following discussion,

The question being on the adoption of the amendment offered by Senator Stollings to the bill, and on this question, Senator Stollings demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Caputo, Hamilton, Ihlenfeld, Jeffries, Lindsay, Nelson, Romano, Stollings, and Woelfel—11.

The nays were: Azinger, Clements, Grady, Karnes, Maroney, Martin, Maynard, Phillips, Plymale, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—21.

Absent: Boley and Stover—2.

So, a majority of those present and voting not having voted in the affirmative, the President declared the amendment offered by Senator Stollings to the bill rejected.

The bill (Com. Sub. for S. B. 387) was then ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 263, Permitting online raffles to benefit charitable and public service organizations.

Com. Sub. for Senate Bill 332, Providing procedure for WV to select delegates to Article V Convention.

And,

Com. Sub. for Senate Bill 345, Expanding alcohol test and lock program to include offenders with drug-related offense.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Takubo, leaves of absence for the day were granted Senators Boley and Stover.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on March 1, 2021:

Senate Bill 334: Senator Nelson.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution on March 1, 2021:

Senate Bill 310: Senator Plymale;

Senate Bill 381: Senator Jeffries;

Senate Bill 429: Senator Maroney;

Senate Bill 447: Senator Maroney;

Senate Bill 448: Senator Jeffries;

Senate Bill 477: Senators Baldwin, Lindsay, Caputo, and Woelfel;

Senate Bill 479: Senators Lindsay and Stollings;

Senate Bill 480: Senators Baldwin, Lindsay, and Caputo;

Senate Bill 481: Senators Lindsay and Caputo;

Senate Bill 484: Senators Ihlenfeld, Lindsay, and Woelfel;

Senate Bill 485: Senator Woelfel;

Senate Bill 486: Senators Roberts, Smith, and Plymale;

Senate Bill 487: Senator Plymale;

Senate Bill 489: Senators Lindsay and Smith;

Senate Bill 491: Senator Lindsay;

Senate Bill 492: Senator Phillips;

Senate Bill 495: Senators Ihlenfeld, Lindsay, and Plymale;

Senate Bill 497: Senator Ihlenfeld;

Senate Bill 498: Senators Ihlenfeld and Woelfel;

Senate Bill 500: Senators Lindsay and Clements;

Senate Bill 501: Senators Lindsay and Jeffries;

Senate Bill 502: Senators Ihlenfeld, Lindsay, and Smith;

Senate Bill 504: Senator Smith;

Senate Bill 506: Senator Smith;

Senate Bill 510: Senator Stollings;

Senate Bill 514: Senators Hamilton and Woelfel;

And,

Senate Concurrent Resolution 10: Senators Plymale, Clements, and Grady.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:20 p.m., the Senate adjourned until tomorrow, Wednesday, March 3, 2021, at 11 a.m.

WEDNESDAY, MARCH 3, 2021

The Senate met at 11 a.m.

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

Prayer was offered by the Honorable Patrick S. Martin, a senator from the twelfth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Tom Takubo, a senator from the seventeenth district.

Pending the reading of the Journal of Tuesday, March 2, 2021,

At the request of Senator Lindsay, 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 amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 11, Declaring work stoppage or strike by public employees to be unlawful.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page three, section forty-five-a, line fifty-one, following the word “Notwithstanding”, by striking out the reference to §18-5-2, and inserting in lieu thereof “§18A-5-2”;

And,

On page four, section forty-five-a, lines fifty-eight through sixty-one, by striking out subsection (e) in its entirety.

On motion of Senator Rucker, the following amendment to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 11) was reported by the Clerk and adopted:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 11—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-45a, relating to declaring any work stoppage or strike by public employees to be unlawful; providing legislative findings; defining when a county board of education employee is considered to be participating in a concerted work stoppage or strike; prohibiting use of accrued and equivalent instructional time and delivery of instruction through alternative methods to cancel days lost due to a concerted work stoppage or strike; prohibiting a waiver by the state board for a county board of education’s noncompliance with the employment and instructional term requirements if the noncompliance is the result of a concerted work stoppage or strike; declaring participation in a concerted work stoppage or strike to be grounds for termination; requiring, if the employee remains employed, county boards of education to withhold the prorated salary or hourly pay of each employee participating in the concerted work stoppage or strike for each day the employee participates; and requiring the sums to be forfeited to the county board of education.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill 11, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—21.

The nays were: Baldwin, Beach, Caputo, Hamilton, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel—12.

Absent: Stover—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 11) passed with its Senate amended title.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

Eng. House Bill 2262, Relating to the controlled substance monitoring database.

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

Eng. House Joint Resolution 2—Proposing an amendment to the Constitution of the State of West Virginia, amending section nine, article IV thereof, relating to the impeachment of officials; providing that courts have no authority or jurisdiction to intercede or intervene in, or interfere with, any impeachment proceedings of the House of Delegates or the Senate; specifying that a judgment rendered by the Senate following an impeachment trial is not reviewable by any court of this state; numbering and designating

such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

The Senate proceeded to the fourth order of business.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 2nd day of March, 2021, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(H. B. 2019), Elevating Economic Development and Tourism Departments.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Dean Jeffries,
Chair, House Committee.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 294 (originating in the Committee on Education), Relating generally to savings and investment programs offered by state.

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

Com. Sub. for Com. Sub. for Senate Bill 294 (originating in the Committee on Finance)—A Bill to amend and reenact §18-30-3, §18-30-4, and §18-30-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-30-6a, all relating to savings and investment programs offered by the state; defining terms; reconciling definition of “qualified education expenses” with federal law for college savings program tax benefit purposes; increasing number of persons on the Board of Trustees of the College Prepaid Tuition and Savings Program; requiring that certain members appointed to the board have experience, knowledge, or skill in a financial field; providing that reasonable efforts shall be made to appoint one member to board with a CFA; authorizing early closure of Prepaid Tuition Trust Plan and fund upon depletion of fund and election of board; authorizing board to expend moneys in the Prepaid Tuition Trust Plan Escrow Fund to satisfy outstanding obligations of the Prepaid Tuition Trust Plan; specifying when Prepaid Tuition Plan account owner assets are presumed abandoned; providing for allocation of moneys remaining in escrow fund upon closure of the Prepaid Tuition Plan; permitting board to maintain a certain amount in the escrow fund for 10 years following closure of the Prepaid Tuition Trust Fund to satisfy potential claims; providing conditions for final closure of escrow fund; creating a nonappropriated special revenue account; transferring moneys from escrow fund to the special revenue account; authorizing receipts to, and expenditures from, the special revenue account for certain purposes related to new savings and investment programs; providing for investment of moneys in special revenue account; removing obsolete language; and making technical corrections.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 305, Providing exemption from consumers sales and service tax for certain aircraft maintenance.

And,

Senate Bill 397, Relating to health care provider tax.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 343, Authorizing DMV to process online driver's license or identification card change of address.

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

Com. Sub. for Senate Bill 343 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17B-2-13 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to renew or reissue driver's licenses and identification cards online upon request due to a change of address.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles H. Clements,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 375, Relating to county boards of education policies for open enrollment.

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

Com. Sub. for Senate Bill 375 (originating in the Committee on Education)—A Bill to amend and reenact §18-5-16 of the Code of West Virginia, 1931, as amended, relating to county board of education open enrollment; amending provisions pertaining to the contents of county board of education policies for open enrollment; setting forth reasons for which an open enrollment application may be denied and the process for application denial; and amending provisions pertaining to funding in certain instances of a student transfer.

And,

Senate Bill 435, Requiring county superintendents to authorize certain school principals or administrators at nonpublic schools to issue work permits for enrolled students.

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

Com. Sub. for Senate Bill 435 (originating in the Committee on Education)—A Bill to amend and reenact §21-6-3, §21-6-4,

§21-6-5, and §21-6-10 of the Code of West Virginia, 1931, as amended, all relating to issuance of a work permit for a child 14 or 15 years of age; authorizing certain additional persons to issue a work permit; requiring review rather than receipt of certain documents required as a condition of the issuance of a work permit; providing exception to the requirement for a certificate showing that the child is attending school; resolving conflict as to whether child must appear before the person issuing the work permit; and requiring the printed forms for work permits be made available to all authorized to issue work permits.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 390, Reorganizing Health Care Authority under DHHR and clarifying responsibilities for all-payer claims database.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 376, Removing obsolete provisions regarding DOH standards for studded tires and chains.

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

Respectfully submitted,

Charles H. Clements,
Chair.

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

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

Senate Bill 404, Modifying well work permits issued by DEP Office of Oil and Gas.

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

Respectfully submitted,

Randy E. Smith,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 421, Authorizing Workforce West Virginia to hire at-will employees.

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

Com. Sub. for Senate Bill 421 (originating in the Committee on Government Organization)—A Bill to amend and reenact §21A-2-6 of the Code of West Virginia, 1931, as amended, relating to the general powers and duties of the Commissioner of Workforce West Virginia; and authorizing the agency to hire additional employees to serve at the will and pleasure of the commissioner.

And,

Senate Bill 429, Exempting Division of Emergency Management from Purchasing Division requirements for certain contracts.

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

Com. Sub. for Senate Bill 429 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5A-3-3a of the Code of West Virginia, 1931, as amended, relating to Division of Emergency Management purchase and sale of commodities and services; exempting division from Purchasing Division requirements concerning contracts for purchase of commodities or services; providing exception; and authorizing Agency for Surplus Property to transfer funds generated from the sale of vehicles, other equipment, and commodities belonging to the Division of Emergency Management to the WV Interoperable Radio Project special revenue account.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 439, Allowing use or nonuse of safety belt as admissible evidence in civil actions.

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

Com. Sub. for Senate Bill 439 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17C-15-49a, all relating generally to operation of vehicles with safety belts; changing the definition of “passenger vehicle” for purposes of safety belt requirement; providing definitions; prohibiting admissibility of nonuse of a safety belt as evidence of negligence of a driver in a civil action, except for claims against the manufacturer or seller of the vehicle and/or any component or system incorporated into the vehicle; prohibiting admissibility of nonuse of a safety belt as evidence of negligence of an adult passenger in a civil action, except for claims against the manufacturer or seller of the vehicle and/or any component or system incorporated into the vehicle; allowing evidence that a child passenger was not wearing a safety belt at the time of collision as evidence of negligence against a driver in a civil action; allowing admissibility of nonuse of a safety belt as evidence of exacerbation or contribution to the damages of a driver in a civil action if supported by expert testimony, unless a driver at fault was driving under the influence; allowing admissibility of nonuse of a safety belt as evidence of exacerbation or contribution to the damages of an adult passenger in a civil action if supported by expert testimony, unless a driver at fault was driving under the influence; prohibiting admissibility of evidence that a child passenger was not wearing a safety belt at the time of collision as evidence of exacerbation or contribution to the damages of a child passenger; providing that evidence of nonuse of a safety belt constitutes an

affirmative defense; requiring a court to instruct the jury as to purposes for which evidence of use or nonuse of a safety belt may be considered; providing that a court may, in its discretion and upon motion of a party, bifurcate questions of liability and damages to prevent prejudice or avoid confusion of a jury; providing that these amendments are not intended to abrogate or modify any immunity recognized by law; providing for an effective date; and providing that these amendments do not alter the requirements of mandatory use of child passenger safety devices.

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 469, Permitting appearance by video for purpose of notarial act.

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

Com. Sub. for Senate Bill 469 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §39-4-6 of the Code of West Virginia, 1931, as amended; and by adding thereto three new sections, designated §39-4-6a, §39-4-37, and §39-4-38, all relating to personal appearance required for notarial acts; requiring the Secretary of State to propose legislative rules establishing requirements for the performance of a notarial act on behalf of an individual appearing before a notary public by means of communication technology; recognizing the validity of notarization performed by means of communication technology pursuant to section 6 of the Governor's Executive Order 11-20

effective March 25, 2020; defining terms; authorizing a notary public to perform notarial acts for remotely located individuals using communication and identity-proofing technology provided certain requirements are fulfilled; and specifying the means by which a notary public must identify a remotely located individual.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 8, Fire Chief Kenneth Junior Russell Memorial Bridge.

And,

Senate Concurrent Resolution 9, Haynie Family Veterans Memorial Bridge.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Charles H. Clements,
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:

By Senators Nelson, Takubo, and Tarr:

Senate Bill 538—A Bill to amend and reenact §22C-9-1, §22C-9-2, §22C-9-3, §22C-9-4, and §22C-9-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22C-9-7a, all relating to oil and gas conservation; providing for the unitization of interests in drilling units in connection with shallow horizontal oil or gas wells generally; setting forth application requirements; establishing the standard of review; providing for unitization orders for shallow horizontal drilling units; requiring notice and timeliness; providing for hearings; addressing oil and gas produced from shallow horizontal wells, vertical wells, and unconventional reservoirs; providing for reunification of interests of unknown and unlocatable interest owners with surface owners in certain circumstances and providing procedures therefor; adding new definitions; and modifying existing definitions.

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

By Senator Ihlenfeld:

Senate Bill 539—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to sales tax exemption of aircraft.

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

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 540—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Public Service Commission, fund 8623, fiscal year 2021, organization 0926, by supplementing and

amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 541—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Homeland Security, West Virginia State Police, fund 8741, fiscal year 2021, organization 0612, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Phillips:

Senate Bill 542—A Bill to amend and reenact §5D-1-2 and §5D-1-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §24-2-20, all relating to the Public Energy Authority Act of West Virginia; providing procedures to ensure that no more coal-fired plants close, and long-term state prosperity is maintained; providing legislative findings; requiring notice for coal-related proceedings and hearings before the West Virginia Public Service Commission; requiring the commission to consider all economics related to decisions involving public utility energy plants; and providing for advance notification before coal-fired plants or utilities are closed or idled.

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

By Senator Grady:

Senate Bill 543—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §10-3-3, relating to establishing a medal of excellence in honor of Chuck Yeager, known as the Chuck Yeager Mountain State Medal

of Excellence; providing a process by which to annually provide this award to a West Virginian who demonstrates exceptional leadership or innovation; and establishing other related criteria.

Referred to the Committee on Government Organization.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 544—A Bill expiring funds to the balance of the Department of Education – State Board of Education – School Building Authority – School Construction Fund, fund 3952, fiscal year 2021, organization 0404, in the amount of \$2,766,137, from the State Department of Education – School Building Authority – Debt Service Fund, fund 3963, organization 0404, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 545—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2021, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 546—A Bill expiring funds to the balance of the Department of Commerce, West Virginia Development Office, Marketing and Communications Operating Fund, fund 3002, fiscal year 2021, organization 0307, in the amount of \$222,563, from the Department of Commerce, West Virginia Development Office, Synthetic Fuel – Producing County Fund, fund 3165, fiscal year

2021, organization 0307, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 547—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Education, State Board of Education – State Department of Education, fund 8712, fiscal year 2021, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 548—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund, fund 5163, fiscal year 2021, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 549—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, by decreasing an existing item and adding a new item of appropriation to the Department of Revenue, Insurance Commissioner, fund 8883, fiscal year 2021, organization 0704, by

supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Woodrum:

Senate Bill 550—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1 and §7-28-2; and to amend and reenact §11-10-11c of said code, all relating generally to the authorization and administration of county sales and use taxes; setting forth legislative intent; providing counties with authority to impose a county sales and use tax of up to one percent under certain circumstances; clarifying that a county sales and use tax does not apply to incorporated areas of the county; requiring counties imposing a county sales tax to use the services of the Tax Commissioner to administer the tax; and setting forth administrative procedures for the collection and administration of such taxes.

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

By Senator Maroney:

Senate Bill 551—A Bill to amend and reenact §16-30-3 and §16-30-4 of the Code of West Virginia, 1931, as amended, all relating to health care decisions; revising definitions; revising forms of a living will, medical power of attorney, and combined medical power of attorney and living will and specific provisions; providing clarifying language regarding the effect of signing a living will on the availability of medically administered food and fluids; requiring oral food and fluids be provided as desired and tolerated; providing for forms in effect prior to effective date of this bill are not affected by these amendments; and providing for effective date.

Referred to the Committee on Health and Human Resources.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 552—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2021, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Maynard:

Senate Bill 553—A Bill to amend and reenact §5B-1A-9 of the Code of West Virginia, 1931, as amended, relating to removing the liability of railroad companies who give land to nonprofits or state or local entities for the purpose of developing that land for tourism, rail-to-trail programs, campgrounds, or parks.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 554—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, §11-29-3, §11-29-4, and §11-29-5, all relating to creating the West Virginia Motorsports Entertainment Complex Investment Act; providing legislative findings; giving definitions; creating a tax exemption; and providing for an effective date.

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

By Senators Stover, Caputo, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Phillips, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Unger, Weld, Woelfel, and Woodrum:

Senate Bill 555—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-13A-1, §4-13A-2, §4-13A-3, §4-13A-4, §4-13A-5, §4-13A-6, and

§4-13A-7, all relating to creating the West Virginia Semi-quincentennial Commission and fund to support the celebration of the 250th anniversary of our nation's founding.

Referred to the Committee on Government Organization.

By Senators Stover, Caputo, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Phillips, Romano, Smith, Swope, Sypolt, Unger, Weld, Woelfel, and Woodrum:

Senate Bill 556—A Bill to amend and reenact §29-1-5 of the Code of West Virginia, 1931, as amended, relating to the Archives and History Commission; removing ex officio voting members; and updating formatting.

Referred to the Committee on Government Organization.

By Senators Stover, Caputo, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Phillips, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Unger, Weld, Woelfel, and Woodrum:

Senate Bill 557—A Bill to amend and reenact §29-1-3 of the Code of West Virginia, 1931, as amended, relating to the Commission on the Arts; adding the Curator of the West Virginia Division of Arts, Culture and History as an ex officio voting member of the commission; and making other technical updates.

Referred to the Committee on Government Organization.

By Senator Karnes:

Senate Bill 558—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-9b; to amend said code by adding thereto a new section, designated §18-2-44; and to amend said code by adding thereto a new section, designated §11B-2-33, all relating to prohibiting discriminatory “divisive acts” in the workplace and adding to the definition of the Human Rights Act; prohibiting the teaching of “divisive acts” in West Virginia schools; and prohibiting state funding to agencies who promote “divisive acts”.

Referred to the Committee on the Judiciary.

Senator Weld offered the following resolution:

Senate Resolution 11—Designating March 4, 2021, as Sexual Assault Awareness Day in West Virginia.

Whereas, All people have a right to be safe in their home, school, workplace, college campus, and community; and

Whereas, Sexual Assault Awareness Day draws attention to the fact that sexual violence is widespread and has implications for every community member; and

Whereas, One in six women and one in 22 men in West Virginia will be victims of an attempted or completed forcible rape; and

Whereas, Forcible rape is the top reason for incarceration in the state adult correctional facilities, costing the taxpayers over \$42 million to incarcerate inmates for sex-related crimes in Division of Corrections and Rehabilitation's adult prison facilities for a single year; and

Whereas, Sexual violence can be reduced and prevented; and

Whereas, The West Virginia Foundation for Rape Information and Services and the state's rape crisis centers have been working for 39 years, individually and collaboratively, to provide quality services and systemic change to give West Virginia residents of all ages the opportunity to live in communities and homes free from violence and fear; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 4, 2021, as Sexual Assault Awareness Day in West Virginia; and, be it

Further Resolved, That the Senate is committed to treating this problem with the seriousness that it deserves and working to achieve solutions that deter, prevent, and reduce sexual violence; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Foundation for Rape and Information Services.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 11, Darrell Chester Stone, Jr., Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Resolution 10, Recognizing WV Children's Home Society.

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 102, Allowing disabled veterans and purple heart recipients park free at paid parking of state or its political subdivisions.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 102) passed with its title.

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

Eng. Com. Sub. for Senate Bill 356, Allowing for written part of drivers' exam given in high school drivers' education course.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 356) passed with its title.

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

Eng. Com. Sub. for Senate Bill 368, Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

Eng. Com. Sub. for Senate Bill 387, Relating to drug screening of applicants for cash assistance.

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

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 387 pass?”

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—24.

The nays were: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Romano, Stollings, and Unger—9.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 387) 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 263, Permitting online raffles to benefit charitable and public service organizations.

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 332, Providing procedure for WV to select delegates to Article V Convention.

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 345, Expanding alcohol test and lock program to include offenders with drug-related offense.

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

Senate Bill 381, Creating nonresident three-day fishing license.

Com. Sub. for Senate Bill 434, Requiring training for law-enforcement officers responsible for investigating crimes of sexual assault.

Senate Bill 463, Consolidating position of Inspector General of former Workers' Compensation Fraud and Abuse Unit and position of Director of Insurance Fraud Unit.

Senate Bill 501, Continuing and indexing of license and stamp fees.

And,

Senate Bill 537, Relating generally to kidnapping.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Takubo, Azinger, Romano, Woelfel, Caputo, and Maynard.

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

At the request of Senator Lindsay, unanimous consent being granted, the remarks by Senators Romano, Woelfel, and Caputo were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Senator Sypolt called attention to today being the birthday of the senator from Tucker and on behalf of the Senate extended felicitations and good wishes to Senator Smith, with Senator Sypolt leading the members in singing “Happy Birthday”.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on March 2, 2021:

Senate Bill 353: Senator Plymale.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on March 2, 2021:

Senate Bill 3: Senator Azinger;

Senate Bill 8: Senator Azinger;

Senate Bill 28: Senator Azinger;

Senate Bill 54: Senator Azinger;

Senate Bill 74: Senator Azinger;

Senate Bill 87: Senator Azinger;

- Senate Bill 90:** Senator Azinger;
- Senate Bill 246:** Senator Azinger;
- Senate Bill 268:** Senator Azinger;
- Senate Bill 278:** Senator Azinger;
- Senate Bill 279:** Senator Azinger;
- Senate Bill 284:** Senator Azinger;
- Com. Sub. for Senate Bill 294:** Senator Hamilton;
- Senate Bill 305:** Senators Nelson, Rucker, and Plymale;
- Senate Bill 329:** Senator Martin;
- Senate Bill 333:** Senator Azinger;
- Senate Bill 337:** Senator Azinger;
- Senate Bill 341:** Senator Martin;
- Senate Bill 343:** Senator Jeffries;
- Senate Bill 349:** Senator Rucker;
- Senate Bill 352:** Senator Martin;
- Senate Bill 369:** Senator Martin;
- Senate Bill 376:** Senator Jeffries;
- Senate Bill 394:** Senator Maroney;
- Senate Bill 404:** Senators Jeffries and Hamilton;
- Senate Bill 421:** Senator Woodrum;
- Senate Bill 429:** Senator Woodrum;

Senate Bill 434: Senator Lindsay;

Senate Bill 435: Senator Karnes;

Senate Bill 439: Senator Rucker;

Senate Bill 469: Senators Rucker and Woodrum;

Senate Bill 504: Senator Azinger;

Senate Bill 506: Senator Woelfel;

Senate Bill 515: Senators Caputo, Phillips, and Martin;

Senate Bill 516: Senator Stollings;

Senate Bill 517: Senator Roberts;

Senate Bill 520: Senators Woodrum, Plymale, Caputo, and Stollings;

Senate Bill 528: Senators Plymale and Roberts;

Senate Bill 534: Senator Plymale;

Senate Bill 535: Senator Stollings;

Senate Joint Resolution 10: Senator Karnes;

Senate Joint Resolution 11: Senators Rucker and Baldwin;

Senate Concurrent Resolution 8: Senator Maynard;

Senate Concurrent Resolution 9: Senator Maynard;

And,

Senate Resolution 10: Senators Hamilton, Roberts, Beach, Baldwin, Stollings, and Phillips.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 12:14 p.m., the Senate adjourned until tomorrow, Thursday, March 4, 2021, at 11 a.m.

THURSDAY, MARCH 4, 2021

The Senate met at 11:01 a.m.

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

Prayer was offered by Grover Miller, Senate Assistant Doorkeeper, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mark R. Maynard, a senator from the sixth district.

Pending the reading of the Journal of Wednesday, March 3, 2021,

At the request of Senator Beach, 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 amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 12, Relating to local health department accountability.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page four, section six, by striking out all of §16-2-6;

On page five, section seven, by striking out all of §16-2-7;

On page five, section eight, by striking out all of §16-2-8;

On page six, section nine, line five, by striking out the words “A member of the appointing authority shall serve as a nonvoting, ex officio member and this member shall not be counted against any criteria for board appointment set forth in this section.”;

On page seven, line twelve, by striking out the words “gross immorality”;

On page seven, line sixteen, by striking out the words “gross immorality”;

On page ten, line sixty-six, by striking out all of subdivision (3) and inserting in lieu thereof the following:

“(3) (A) Adopt and promulgate and from time to time amend rules consistent with state public health laws and the rules of the West Virginia State Department of Health and Human Resources, that are necessary and proper for the protection of the general health of the service area and the prevention of the introduction, propagation, and spread of disease;

(B) The commissioner shall establish a procedure by which adverse determinations by local health departments may be appealed, unless otherwise provided for, for the purpose of

ensuring a consistent interpretation of state public health laws and rules of the Department of Health and Human Resources.

(C) When rules are adopted, promulgated, or amended, the local board of health shall place notice in the State Register and on their organization's web page, setting forth a notice of proposed action, including the text of the new rule or the amendment and the date, time, and place for receipt of public comment.

(D) All rules shall be approved, disapproved or amended and approved by the county commission or appointing entity within 30 days of approval from the local board of health.

(E) All rules of a combined local board of health shall be approved, disapproved or amended and approved by each appointing entity within 30 days of approval from the combined local board of health. If one appointing entity approves and another other does not approve a rule from a combined local board health department, the rule is only in effect in the jurisdiction of the appointing entity which approved the rule.

(F) An approved rule shall be filed with the clerk of the county commission or the clerk or the recorder of the municipality or both and shall be kept by the clerk or recording officer in a separate book as public records:

(G) A rule currently in effect is not subject to approval, unless amended, from the county commission or appointing authority.

(H) If there is an imminent public health emergency, approval of the county commission or appointing authority is not necessary before the rule goes into effect but shall be approved or disapproved by the county commission or appointing authority within 30 days after the rules are effective;”;

On page thirteen, line one hundred thirty-seven, by striking out the words “the Governor may direct”;

On page thirteen, line one hundred thirty-eight, by striking out the word “to” and inserting in lieu thereof the word “may”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 12—A Bill to amend and reenact §16-2-2, §16-2-9, and §16-2-11 of the Code of West Virginia, 1931, as amended, all relating to local health departments; defining terms; permitting an appointing entity to remove a board member; creating an appeal process for adverse determinations; requiring rules by a local board of health to be published; requiring rules to be approved, disapproved or amended and approved by an appointing entity; providing that a rule currently in effect is not subject to approval, unless amended; providing an emergency rule process; requiring that an approved rule shall be filed with the appropriate entity; clarifying that a rule is only effective in the jurisdiction where the appointing entity grants approval; requiring rules shall be kept as public records; establishing an emergency health rule process; and permitting the state health officer to develop policies that each of the local departments must comply with when a statewide public health emergency is declared.

Senator Takubo moved that the Senate concur in the House of Delegates amendments to the bill.

Following discussion,

The question being on the adoption of Senator Takubo’s aforesated motion, the same was put and prevailed.

Engrossed Committee Substitute for Senate Bill 12, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Martin, Maynard, Nelson,

Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—21.

The nays were: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel—11.

Absent: Maroney and Stover—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 12) passed with its House of Delegates amended title.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

Eng. Com. Sub. for House Bill 2012, Relating to public charter schools.

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 2093—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5E-3a; and to amend and reenact §16-49-1 of said code, all relating to the regulation of medical foster homes; defining terms; providing an exemption to medical foster homes from the requirements for unlicensed health care homes; and requiring an annual report.

Referred to the Committee on Health and Human Resources.

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 2791—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-15g, relating to requiring county boards of education to permit students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school at no additional cost beyond any costs charged to public school students.

Referred to the Committee on Education.

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

Senate Bill 39, Prohibiting insurance coverage from requiring prior authorization for tests to stage cancer.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 334, Establishing license application process for harm reduction programs.

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

Com. Sub. for Senate Bill 334 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, §16-63-4, §16-63-5, §16-63-6, §16-63-7, §16-63-8, §16-63-9, §16-63-10, and §16-63-11, all relating to needle exchange programs; defining terms; establishing licensure application process for needle exchange programs; creating program requirements; establishing revocation process; setting forth the reconsideration process; setting forth the administrative due process provision; providing for administrative and judicial appeal; establishing reporting requirements and renewal provisions; providing for immunity; setting requirements for continuum of care; and establishing civil penalties and injunctive relief.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,
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

Com. Sub. for Senate Bill 339 (originating in the Committee on Agriculture and Rural Development), Expanding types of agricultural operations that are protected from nuisance and other legal actions.

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

Com. Sub. for Com. Sub. for Senate Bill 339 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §19-19-2 and §19-19-7 of the Code of West Virginia, 1931, as amended, all relating to the right to farm; defining terms;

expanding protection of agricultural operations from nuisance and other legal actions to agricultural and horticultural practices allowed within municipalities, including aquaponics and hydroponics; requiring compliance with local laws, regulations, and ordinances for protection from nuisance and other legal actions; and making technical changes.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 344, Relating to credit for qualified rehabilitated buildings investment.

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

Com. Sub. for Senate Bill 344 (originating in the Committee on Finance)—A Bill to amend and reenact §11-21-8a of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-24-23a of said code, all relating to the credit for qualified rehabilitated buildings investment; providing for carryback and carryforward provisions for the tax credit; eliminating the termination date of the tax credit; eliminating the maximum allowable amount of the tax credit; and making technical modifications.

And,

Senate Bill 383, Relating to exempting certain organizations from property taxation.

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

Com. Sub. for Senate Bill 383 (originating in the Committee on Finance)—A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempt property from taxation used exclusively for divine worship and the operation of a pre-K school, primary school, middle school, secondary school, daycare center, or church camp for children, which school, daycare center, or church camp is operated by the church which owns the property or is operated by another not-for-profit organization or entity; and providing that motor vehicles subject to a lease for at least one year by the United States, the state, any county, municipality, political subdivision, college or university of this state and used for public purposes is deemed public property and exempt from ad valorem taxation.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Eng. Com. Sub. for Senate Bill 368, Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program.

And has amended same.

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

Respectfully submitted,

Craig Blair,
Chair ex officio.

At the request of Senator Weld, unanimous consent being granted, the bill (Eng. Com. Sub. for S. B. 368) contained in the preceding report from the Committee on Rules was taken up for immediate consideration and read a second time.

The following amendment to the bill, from the Committee on Rules, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 15. SOLID WASTE MANAGEMENT ACT.

§22-15-11. Solid waste assessment fee; penalties.

(a) Imposition. –

(1) A solid waste assessment fee is hereby imposed upon the disposal of solid waste at any solid waste disposal facility in this state in the amount of \$1.75 per ton or part thereof of solid waste. The fee imposed by this section is in addition to all other fees and taxes levied by law and shall be added to and constitute part of any other fee charged by the operator or owner of the solid waste disposal facility.

(2) Effective July 1, 2021, in addition to the fee set forth in subdivision (1) of this subsection, an additional solid waste assessment fee shall be levied and imposed upon the disposal of solid waste at any solid waste landfill disposal facility in this state. This additional fee shall be in the amount of 20 cents per ton beginning July 1, 2021, 40 cents per ton beginning July 1, 2022, 60 cents per ton beginning July 1, 2023, 80 cents per ton beginning July 1, 2024, and \$1.00 per ton beginning July 1, 2025, thereafter or like ratio on any part of a ton of solid waste. The additional fee set forth in this subdivision shall be distributed on a per capita basis

to each county or regional solid waste authority based on the most recent population projections from the United States Census Bureau. The proceeds from this fee are to expended for the reasonable costs of administration of the county or regional solid waste authority including the necessary and reasonable expenses of its members, and any other expenses incurred from refuse cleanup, recycling programs, litter control programs, or any other locally important solid waste programs deemed necessary to fulfill its duties. The Tax Commissioner may promulgate interpretive rules to provide for the distribution of funds as provided by this subdivision.

(b) *Collection, return, payment and records.* — The person disposing of solid waste at the solid waste disposal facility shall pay the ~~fee~~ fees imposed by this section, whether or not such person owns the solid waste, and the ~~fee~~ fees shall be collected by the operator of the solid waste facility who shall remit it to the Tax Commissioner.

(1) The ~~fee~~ fees imposed by this section accrues at the time the solid waste is delivered to the solid waste disposal facility.

(2) The operator shall remit the ~~fee~~ fees imposed by this section to the Tax Commissioner on or before the fifteenth day of the month next succeeding the month in which the ~~fee~~ fees accrued. Upon remittance of the ~~fee~~ fees, the operator is required to file returns on forms and in the manner as prescribed by the Tax Commissioner.

(3) The operator shall account to the state for all fees collected under this section and shall hold them in trust for the state until remitted to the Tax Commissioner.

(4) If any operator fails to collect the ~~fee~~ fees imposed by this section, he or she is personally liable for such amount as he or she failed to collect, plus applicable additions to tax, penalties and interest imposed by article ten, chapter eleven of this code.

(5) Whenever any operator fails to collect, truthfully account for, remit the ~~fee~~ fees or file returns with the ~~fee~~ fees as required in this section, the Tax Commissioner may serve written notice requiring such operator to collect the fees which become collectible after service of such notice, to deposit such fees in a bank approved by the Tax Commissioner, in a separate account, in trust for and payable to the Tax Commissioner and to keep the amount of such fees in such account until remitted to the Tax Commissioner. Such notice remains in effect until a notice of cancellation is served on the operator or owner by the Tax Commissioner.

(6) Whenever the owner of a solid waste disposal facility leases the solid waste facility to an operator, the operator is primarily liable for collection and remittance of the ~~fee~~ fees imposed by this section and the owner is secondarily liable for remittance of the ~~fee~~ fees imposed by this section. However, if the operator fails, in whole or in part, to discharge his or her obligations under this section, the owner and the operator of the solid waste facility are jointly and severally responsible and liable for compliance with the provisions of this section.

(7) If the operator or owner responsible for collecting the ~~fee~~ fees imposed by this section is an association or corporation, the officers thereof are liable, jointly and severally, for any default on the part of the association or corporation, and payment of the ~~fee~~ fees and any additions to tax, penalties and interest imposed by article ten, chapter eleven of this code may be enforced against them as against the association or corporation which they represent.

(8) Each person disposing of solid waste at a solid waste disposal facility and each person required to collect the ~~fee~~ fees imposed by this section shall keep complete and accurate records in such form as the Tax Commissioner may require in accordance with the rules of the Tax Commissioner.

(c) *Regulated motor carriers.* — The ~~fee~~ fees imposed by this section and section twenty-two, article five, chapter seven of this code is considered a necessary and reasonable cost for motor carriers of solid waste subject to the jurisdiction of the Public

Service Commission under chapter twenty-four-a of this code. Notwithstanding any provision of law to the contrary, upon the filing of a petition by an affected motor carrier, the Public Service Commission shall, within fourteen days, reflect the cost of said ~~fee~~ fees in said motor carrier's rates for solid waste removal service. In calculating the amount of said ~~fee~~ fees to said motor carrier, the commission shall use the national average of pounds of waste generated per person per day as determined by the United States Environmental Protection Agency.

(d) *Definition of solid waste disposal facility.* — For purposes of this section, the term “solid waste disposal facility” means any approved solid waste facility or open dump in this state, and includes a transfer station when the solid waste collected at the transfer station is not finally disposed of at a solid waste disposal facility within this state that collects the ~~fee~~ fees imposed by this section. Nothing herein authorizes in any way the creation or operation of or contribution to an open dump.

(e) *Exemptions.* — The following transactions are exempt from the ~~fee~~ fees imposed by this section:

(1) Disposal of solid waste at a solid waste disposal facility by the person who owns, operates or leases the solid waste disposal facility if the facility is used exclusively to dispose of waste originally produced by such person in such person's regular business or personal activities or by persons utilizing the facility on a cost-sharing or nonprofit basis;

(2) Reuse or recycling of any solid waste;

(3) Disposal of residential solid waste by an individual not in the business of hauling or disposing of solid waste on such days and times as designated by the secretary is exempt from the solid waste assessment ~~fee~~ fees; and

(4) Disposal of solid waste at a solid waste disposal facility by a commercial recycler which disposes of thirty percent or less of the total waste it processes for recycling. In order to qualify for this

exemption each commercial recycler must keep accurate records of incoming and outgoing waste by weight. Such records must be made available to the appropriate inspectors from the division, upon request and:

(f) *Procedure and administration.* — Notwithstanding section three, article ten, chapter eleven of this code, each and every provision of the “West Virginia Tax Procedure and Administration Act” set forth in article ten, chapter eleven of this code shall apply to the ~~fee~~ fees imposed by this section with like effect as if said act were applicable only to the ~~fee~~ fees imposed by this section and were set forth in extenso herein.

(g) *Criminal penalties.* — Notwithstanding section two, article nine, chapter eleven of this code, sections three through seventeen, article nine, chapter eleven of this code shall apply to the ~~fee~~ fees imposed by this section with like effect as if said sections were applicable only to the ~~fee~~ fees imposed by this section and were set forth in extenso herein.

(h) *Dedication of proceeds.* — Except as provided in subsection (a)(2) of this section the net proceeds of the ~~fee~~ fees collected by the Tax Commissioner pursuant to this section shall be deposited at least monthly in an account designated by the secretary. The secretary shall allocate \$0.25 for each ton of solid waste disposed of in this state upon which the ~~fee~~ fees imposed by this section is collected and shall deposit the total amount so allocated into the “Solid Waste Reclamation and Environmental Response Fund” to be expended for the purposes hereinafter specified. The first \$1 million dollars of the net proceeds of the ~~fee~~ fees imposed by this section collected in each fiscal year shall be deposited in the “Solid Waste Enforcement Fund” and expended for the purposes hereinafter specified. The next \$250,000 of the net proceeds of the ~~fee~~ fees imposed by this section collected in each fiscal year shall be deposited in the “Solid Waste Management Board Reserve Fund”, and expended for the purposes hereinafter specified: *Provided*, That in any year in which the Water Development Authority determines that the Solid Waste Management Board Reserve Fund is adequate to defer any

contingent liability of the fund, the Water Development Authority shall so certify to the secretary and the secretary shall then cause no less than \$50,000 nor more than \$250,000 to be deposited to the fund: *Provided, however,* That in any year in which the water development authority determines that the Solid Waste Management Board Reserve Fund is inadequate to defer any contingent liability of the fund, the Water Development Authority shall so certify to the secretary and the secretary shall then cause not less than \$250,000 nor more than \$500,000 to be deposited in the fund: *Provided further,* That if a facility owned or operated by the state of West Virginia is denied site approval by a county or regional solid waste authority, and if such denial contributes, in whole or in part, to a default, or drawing upon a reserve fund, on any indebtedness issued or approved by the Solid Waste Management Board, then in that event the Solid Waste Management Board or its fiscal agent may withhold all or any part of any funds which would otherwise be directed to such county or regional authority and shall deposit such withheld funds in the appropriate reserve fund. The secretary shall allocate the remainder, if any, of said net proceeds among the following three special revenue accounts for the purpose of maintaining a reasonable balance in each special revenue account, which are hereby continued in the State Treasury:

(1) The “Solid Waste Enforcement Fund” which shall be expended by the secretary for administration, inspection, enforcement and permitting activities established pursuant to this article;

(2) The “Solid Waste Management Board Reserve Fund” which shall be exclusively dedicated to providing a reserve fund for the issuance and security of solid waste disposal revenue bonds issued by the solid waste management board pursuant to article three, chapter twenty-two-c of this code;

(3) The “Solid Waste Reclamation and Environmental Response Fund” which may be expended by the secretary for the purposes of reclamation, cleanup and remedial actions intended to minimize or mitigate damage to the environment, natural

resources, public water supplies, water resources and the public health, safety and welfare which may result from open dumps or solid waste not disposed of in a proper or lawful manner.

(i) *Findings.* — In addition to the purposes and legislative findings set forth in section one of this article, the Legislature finds as follows:

(1) In-state and out-of-state locations producing solid waste should bear the responsibility of disposing of said solid waste or compensate other localities for costs associated with accepting such solid waste;

(2) The costs of maintaining and policing the streets and highways of the state and its communities are increased by long distance transportation of large volumes of solid waste; and

(3) Local approved solid waste facilities are being prematurely depleted by solid waste originating from other locations.

(j) The “Gas Field Highway Repair and Horizontal Drilling Waste Study Fund” is hereby created as a special revenue fund in the State Treasury to be administered by the West Virginia Division of Highways and to be expended only on the improvement, maintenance, and repair of public roads of three lanes or less located in the ~~watershed from which the revenue was received~~ Division of Highways district where the waste is deposited that are identified by the Commissioner of Highways as having been damaged by trucks and other traffic associated with horizontal well drilling sites or the disposal of waste generated by such sites, and that experience congestion caused, in whole or in part, by such trucks and traffic that interferes with the use of said roads by residents in the vicinity of such roads: *Provided*, That up to \$750,000 from such fund shall be made available to the Department of Environmental Protection from the same fund to offset contracted costs incurred by the Department of Environmental Protection while undertaking the horizontal drilling waste disposal studies mandated by the provisions of subsection (j), section eight of this article. Any balance remaining in the

special revenue account at the end of any fiscal year shall not revert to the General Revenue Fund but shall remain in the special revenue account and shall be used solely in a manner consistent with this section. The fund shall consist of the fee provided for in subsection (k) of this section.

(k) Horizontal drilling waste assessment fee— An additional solid waste assessment fee is hereby imposed upon the disposal of drill cuttings and drilling waste generated by horizontal well sites in the amount of \$1 per ton, which fee is in addition to all other fees and taxes levied by this section or otherwise and shall be added to and constitute part of any other fee charged by the operator or owner of the solid waste disposal facility: *Provided*, That the horizontal drilling waste assessment fee shall be collected and administered in the same manner as the solid waste assessment fee imposed by this section, but shall be imposed only upon the disposal of drill cuttings and drilling waste generated by horizontal well sites.

ARTICLE 15A. THE A. JAMES MANCHIN REHABILITATION ENVIRONMENTAL ACTION PLAN.

§22-15A-1. Legislative findings and purpose.

(a) The Legislature finds that litter is a public nuisance and distracts from the beauty of the state and its natural resources. It is therefore necessary to establish and implement a litter control program to coordinate public and private litter control efforts; to establish penalties for littering; to provide for litter pickup programs; to create education programs; and to provide assistance to local solid waste authority litter control efforts.

(b) The Legislature further finds that the improper management of commercial and residential solid waste and the unlawful disposal of such waste ~~creates~~ create open dumps that adversely ~~impacts~~ impact the state's natural resources, public water supplies, and the public health, safety, and welfare of the citizens of the state. It is therefore necessary to establish a program to promote pollution prevention and to eliminate and remediate open dumps.

(c) The Legislature further finds that waste tire piles are a direct product of state citizens' use and enjoyment of state roads and highways, and proper tire waste disposal is a necessary component of maintenance of the transportation system. The accumulation of waste tires has also become a significant environmental and public health hazard to the state, and the location and number of waste tires are directly related to the efficiency of travel, by citizens, visitors, and commerce, along public highways in West Virginia. In particular, the Legislature recognizes that waste tires are widespread in location and in number throughout the state; waste tires physically touch and concern public highways, including, but not limited to, state roads, county roads, park roads, secondary routes, and orphan roads, all of which interferes with the efficiency of public highways; and further that the existence of waste tires along and near public highways is sometimes accompanied by other hazards and, in turn, adversely impacts the proper maintenance and efficiency of public highways for citizens.

(d) The Legislature also recognizes and declares that waste tires are a public nuisance and hazard; that waste tires serve as harborage and breeding places for rodents, mosquitoes, fleas, ticks, and other insects and pests injurious to the public health, safety, and general welfare; that waste tires collected in large piles pose an excessive risk to public health, safety, and welfare from disease or fire; that the environmental, economic, and societal damage resulting from fires in waste tire piles can be avoided by removing the piles; and that tire pile fires cause extensive pollution of the air and surface and groundwater for miles downwind and downstream from the fire.

(e) Therefore, in view of the findings relating to waste tires, the Legislature declares it to be the public policy of the State of West Virginia to eliminate the present danger resulting from discarded or abandoned waste tires and to eliminate the visual pollution resulting from waste tire piles and that in order to provide for the public health, safety, welfare, and quality of life, and to reverse the adverse impacts to the proper maintenance and efficiency of public highways, it is necessary to enact legislation to those ends by

providing expeditious means and methods for effecting the disposal of waste tires.

(f) The Legislature further finds that abandoned and dilapidated structures statewide have become a significant hazard and can result in the formation of open dumps or solid waste not disposed of in a proper or lawful manner. In particular, the Legislature recognizes that damage to the environment, natural resources, and the public health, safety, and welfare may result from abandoned and dilapidated structures. Abandoned and dilapidated structures are widespread in location and in number throughout the state; and further, that the existence of abandoned and dilapidated structures along and near public highways is sometimes accompanied by other hazards and, in turn, adversely impacts the proper maintenance and efficiency of public highways for citizens.

(g) In view of the findings relating to abandoned and dilapidated structures, the Legislature declares it to be the public policy of the State of West Virginia to establish a program to eliminate and remediate abandoned and dilapidated structures.

~~(f)~~ (h) The Legislature finds that many citizens desire a recycling program in order to conserve limited natural resources, reduce litter, recycle valuable materials, extend the useful life of solid waste landfills, reduce the need for new landfills, and create markets for recyclable materials. It is therefore necessary to establish goals for recycling solid waste; to require certain municipalities to implement recycling programs; to authorize counties to adopt comprehensive recycling programs; to encourage source separation of solid waste; to increase the purchase of recycled products by the various agencies and instrumentalities of government; and to educate the public concerning the benefits of recycling.

~~(g)~~ (i) The Legislature finds that the effectiveness of litter control, open dump, tire cleanup programs and recycling programs have been made less efficient by fragmented implementation of the various programs by different agencies. It is therefore necessary to

coordinate all such programs under one program managed by the department to ensure that all current and future litter, open dump, waste tire, and recycling issues are managed and addressed efficiently and effectively.

~~(h)~~ (j) This article implements the A. James Manchin Rehabilitation Environmental Action Plan, a coordinated effort to address litter, waste, open dump, tire cleanup, and recycling programs.

§22-15A-30. Reclamation of Abandoned and Dilapidated Properties Program.

(a) To assist county commissions or municipalities in their efforts to remediate abandoned and dilapidated structures as provided by §7-1-3ff and §8-38-5 of this code, the Department of Environmental Protection may develop a program called the Reclamation of Abandoned and Dilapidated Properties Program. Using the fund established in subsection (b) of this section, the Department of Environmental Protection may work with county commissions or municipalities and implement redevelopment plans which will, at a minimum, establish prioritized inventories of structures eligible to participate in the program, offer reuse options for high-priority sites, and recommend actions county commissions or municipalities may take to remediate abandoned and dilapidated structures in their communities.

(b) There is created in the State Treasury a special revenue fund known as the Reclamation of Abandoned and Dilapidated Properties Program Fund. The fund shall be comprised of any money granted by charitable foundations, allocated by the Legislature, allocated from federal agencies, and earned from the investment of money held in the fund, and all other money designated for deposit to the fund from any source, public or private. The fund shall operate as a special revenue fund and all deposits and payments into the fund do not expire to the General Revenue Fund but shall remain in the account and be available for expenditure in succeeding fiscal years.

(c) The fund, to the extent that money is available, may be used solely to assist county commissions or municipalities in remediating abandoned and dilapidated structures in their communities by demolishing or deconstructing them and other activities as authorized by a charitable grant or legislative appropriation. The fund may also be used to defray costs incurred by the Department of Environmental Protection in administering the provisions of this section. However, no more than five percent of money transferred from the Solid Waste Facility Closure Cost Assistance Fund may be used for administrative purposes.

(d) The Department of Environmental Protection may promulgate rules, in accordance with the provisions of §29A-3-1 et seq. of this code, to govern the disbursement of money from the fund, establish the Reclamation of Abandoned and Dilapidated Properties Program, direct the distribution of money from the fund, and establish criteria for eligibility to receive money from the fund.

(e) Nothing in this section shall be construed to limit, restrain, or otherwise discourage this state and its political subdivisions from disposing of abandoned and dilapidated structures in any other manner provided by the laws of this state.

ARTICLE 16. SOLID WASTE LANDFILL CLOSURE ASSISTANCE PROGRAM.

§22-16-4. Solid waste assessment fee; penalties.

(a) *Imposition.* — A solid waste assessment fee is levied and imposed upon the disposal of solid waste at any solid waste disposal facility in this state in the amount of ~~3.50~~ \$3.30 per ton beginning July 1, 2021, \$3.10 per ton beginning July 1, 2022, \$2.90 per ton beginning July 1, 2023, \$2.70 per ton beginning July 1, 2024, and \$2.50 per ton beginning July 1, 2025, and thereafter or like ratio on any part of a ton of solid waste, except as provided in subsection (e) of this section: *Provided*, That any solid waste disposal facility may deduct from this assessment fee an amount, not to exceed the fee, equal to the amount that the facility is required by the Public Service Commission to set aside for the

purpose of closure of that portion of the facility required to close by article fifteen of this chapter. The fee imposed by this section is in addition to all other fees and taxes levied by law and shall be added to and constitute part of any other fee charged by the operator or owner of the solid waste disposal facility.

(b) *Collection, return, payment and records.* — The person disposing of solid waste at the solid waste disposal facility shall pay the fee imposed by this section, whether or not that person owns the solid waste, and the fee shall be collected by the operator of the solid waste facility who shall remit it to the Tax Commissioner:

(1) The fee imposed by this section accrues at the time the solid waste is delivered to the solid waste disposal facility;

(2) The operator shall remit the fee imposed by this section to the Tax Commissioner on or before the fifteenth day of the month next succeeding the month in which the fee accrued. Upon remittance of the fee, the operator shall file returns on forms and in the manner prescribed by the Tax Commissioner;

(3) The operator shall account to the state for all fees collected under this section and shall hold them in trust for the state until they are remitted to the Tax Commissioner;

(4) If any operator fails to collect the fee imposed by this section, he or she is personally liable for the amount he or she failed to collect, plus applicable additions to tax, penalties and interest imposed by article ten, chapter eleven of this code;

(5) Whenever any operator fails to collect, truthfully account for, remit the fee or file returns with the fee as required in this section, the Tax Commissioner may serve written notice requiring the operator to collect the fees which become collectible after service of the notice, to deposit the fees in a bank approved by the Tax Commissioner, in a separate account, in trust for and payable to the Tax Commissioner, and to keep the amount of the fees in the account until remitted to the Tax Commissioner. The notice shall

remain in effect until a notice of cancellation is served on the operator or owner by the Tax Commissioner;

(6) Whenever the owner of a solid waste disposal facility leases the solid waste facility to an operator, the operator is primarily liable for collection and remittance of the fee imposed by this section and the owner is secondarily liable for remittance of the fee imposed by this section. However, if the operator fails, in whole or in part, to discharge his or her obligations under this section, the owner and the operator of the solid waste facility are jointly and severally responsible and liable for compliance with the provisions of this section;

(7) If the operator or owner responsible for collecting the fee imposed by this section is an association or corporation, the officers of the association or corporation are liable, jointly and severally, for any default on the part of the association or corporation, and payment of the fee and any additions to tax, penalties and interest imposed by article ten, chapter eleven of this code may be enforced against them as against the association or corporation which they represent; and

(8) Each person disposing of solid waste at a solid waste disposal facility and each person required to collect the fee imposed by this section shall keep complete and accurate records in the form required by the Tax Commissioner in accordance with the rules of the Tax Commissioner.

(c) *Regulated motor carriers.* — The fee imposed by this section is a necessary and reasonable cost for motor carriers of solid waste subject to the jurisdiction of the Public Service Commission under chapter twenty-four-a of this code. Notwithstanding any provision of law to the contrary, upon the filing of a petition by an affected motor carrier, the Public Service Commission shall, within fourteen days, reflect the cost of the fee in the motor carrier's rates for solid waste removal service. In calculating the amount of the fee to the motor carrier, the commission shall use the national average of pounds of waste

generated per person per day as determined by the United States environmental protection agency.

(d) *Definitions.* — For purposes of this section, the term “solid waste disposal facility” means any approved solid waste facility or open dump in this state, and includes a transfer station when the solid waste collected at the transfer station is not finally disposed of at a solid waste facility within this state that collects the fee imposed by this section. Nothing in this section authorizes in any way the creation or operation of or contribution to an open dump.

(e) *Exemptions.* — The following transactions are exempt from the fee imposed by this section:

(1) Disposal of solid waste at a solid waste disposal facility by the person who owns, operates or leases the solid waste disposal facility if the facility is used exclusively to dispose of waste originally produced by that person in the person’s regular business or personal activities or by persons utilizing the facility on a cost-sharing or nonprofit basis;

(2) Reuse or recycling of any solid waste;

(3) Disposal of residential solid waste by an individual not in the business of hauling or disposing of solid waste on the days and times designated by the director as exempt from the solid waste assessment fee; and

(4) Disposal of solid waste at a solid waste disposal facility by a commercial recycler which disposes of thirty percent or less of the total waste it processes for recycling. In order to qualify for this exemption each commercial recycler shall keep accurate records of incoming and outgoing waste by weight. The records shall be made available to the appropriate inspectors from the division, upon request.

(f) *Procedure and administration.* — Notwithstanding section three, article ten, chapter eleven of this code, each and every provision of the “West Virginia Tax Procedure and Administration Act” set forth in article ten, chapter eleven of this code applies to

the fee imposed by this section with like effect as if the act were applicable only to the fee imposed by this section and were set forth in extenso in this section.

(g) *Criminal penalties.* — Notwithstanding section two, article nine, chapter eleven of this code, sections three through seventeen, article nine, chapter eleven of this code apply to the fee imposed by this section with like effect as if the sections were applicable only to the fee imposed by this section and were set forth in extenso in this section.

(h) *Dedication of proceeds.* — (1) The proceeds of the fee collected pursuant to this section shall be deposited in the closure cost assistance fund established pursuant to section twelve of this article: *Provided*, That the director may transfer up to 50¢ for each ton of solid waste disposed of in this state upon which the fee imposed by this section is collected on or after July 1, 1998, to the solid waste enforcement fund established pursuant to section eleven, article fifteen of this chapter.

(2) Fifty percent of the proceeds of the fee collected pursuant to this article in excess of thirty thousand tons per month from any landfill which is permitted to accept in excess of thirty thousand tons per month pursuant to section nine, article fifteen of this chapter shall be remitted, at least monthly, to the county commission in the county in which the landfill is located. The remainder of the proceeds of the fee collected pursuant to this section shall be deposited in the closure cost assistance fund established pursuant to section twelve of this article.

ARTICLE 16. SOLID WASTE LANDFILL CLOSURE ASSISTANCE PROGRAM.

§22-16-12. Solid Waste Facility Closure Cost Assistance Fund; closure extension; reporting requirements.

(a) The Solid Waste Facility Closure Cost Assistance Fund continues as a special revenue account in the State Treasury. The fund operates as a special fund in which all deposits and payments

do not expire to the General Revenue Fund, but remain in the account and are available for expenditure in the succeeding fiscal year. Separate subaccounts may be established within the special account for the purpose of identification of various revenue resources and payment of specific obligations.

(b) Interest earned on any money in the fund shall be deposited to the credit of the fund.

(c) The fund consists of the following:

(1) Moneys collected and deposited in the State Treasury which are specifically designated by Acts of the Legislature for inclusion in the fund, including moneys collected and deposited into the fund pursuant to §22-16-4 of this code;

(2) Contributions, grants, and gifts from any source, both public and private, which may be used by the secretary for any project or projects;

(3) Amounts repaid by permittees pursuant to §22-15-18 of this code; and

(4) All interest earned on investments made by the state from moneys deposited in this fund.

(d) The Solid Waste Management Board, upon written approval of the secretary, has the authority to pledge all or part of the revenues paid into the Solid Waste Facility Closure Cost Assistance Fund as needed to meet the requirements of any revenue bond issue or issues of the Solid Waste Management Board authorized by this article, including the payment of principal of, interest and redemption premium, if any, on the revenue bonds and the establishing and maintaining of a reserve fund or funds for the payment of the principal of, interest and redemption premium, if any, on the revenue bond issue or issues where other moneys pledged may be insufficient. Any pledge of moneys in the Solid Waste Facility Closure Cost Assistance Fund for revenue bonds is a prior and superior charge on the fund over the use of any of the moneys in the fund to pay for the cost of any project on a cash

basis. Expenditures from the fund, other than for the retirement of revenue bonds, may only be made in accordance with this article.

(e) The amounts deposited in the fund may be expended only on the cost of projects as provided in §22-16-3 and §22-16-15 of this code, as provided in subsection (f) of this section, and for payment of bonds and notes issued pursuant to §22-16-5 of this code. No more than two percent of the annual deposits to the fund may be used for administrative purposes.

(f) Notwithstanding any provision of this article, upon request of the Solid Waste Management Board, and with the approval of the projects by the Secretary of the Department of Environmental Protection, the secretary may pledge and place into escrow accounts up to an aggregate of \$2 million of the fund to satisfy two years debt service requirement that ~~permitees~~ permittees of publicly owned landfills and transfer stations are required to meet in order to obtain loans. Pledges shall be made on a project-by-project basis, may not exceed \$500,000 for a project, and are made available after loan commitments are received. The secretary may pledge funds for a loan only when the following conditions are met:

(1) The proceeds of the loan are used only to perform construction of a transfer station or a composite liner system that is required to meet Title 47, Series 38, Solid Waste Management Rules;

(2) The permittee dedicates all yearly debt service revenue, as determined by the Public Service Commission, to meet the repayment schedule of the loan, before it uses available revenue for any other purpose; and

(3) That any funds pledged may only be paid to the lender if the permittee is in default on the loan.

(g) Notwithstanding any provision of this code to the contrary, the Elkins-Randolph County Landfill, located in Randolph County, and the Webster County Landfill, located in Webster County, are eligible for funds from the Solid Waste Facility Closure Cost

Assistance Fund necessary to complete their closure upon the filing of appropriate application. Upon the filing of an appropriate application, the Department of Environmental Protection shall work with the applicant to ensure the application meets the department's requirements.

(h) The Department of Environmental Protection is required to file, by January 1 of each year, an annual report with the Joint Committee on Government and Finance providing details on the manner in which the landfill closure assistance funds were expended for the prior fiscal year.

(i) The Prichard Landfill in Wayne County is eligible for funds from the Solid Waste Facility Closure Cost Assistance Fund necessary to complete post-closure maintenance and monitoring upon the filing of an appropriate application. In the event of a permit transfer, neither the state nor the Wayne County Economic Development Authority or entity may assume any liability from the private landfill other than post-closure maintenance and monitoring costs.

(k)(1) Notwithstanding any other provision of this code, upon completion of the landfill closure-related services at all eligible landfills pursuant to §22-16-3 of this code, the secretary may transfer excess money from the Solid Waste Facility Closure Cost Assistance Fund to the Reclamation of Abandoned and Dilapidated Properties Program Fund created by §22-15A-30 of this code. However, the secretary may not transfer moneys from the Solid Waste Facility Closure Cost Assistance Fund that are required to be maintained so that the department can conduct post-closure activities authorized by this article and the legislative rules promulgated thereunder. The department shall maintain in the Solid Waste Facility Closure Cost Assistance Fund a minimum balance of twice the total cost of post-closure expenses projected for the fiscal year as a buffer for unanticipated necessary post-closure activities.

(2) Contingent upon the Department of Environmental Protection securing private foundation funding to establish the

Reclamation of Abandoned and Dilapidated Properties Program, and prior to the completion of the landfill closure-related services at all eligible landfills, the secretary may expend money from the Solid Waste Facility Closure Cost Assistance Fund for pilot projects conducted by the Department of Environmental Protection demonstrating the function of the Reclamation of Abandoned and Dilapidated Properties Program.

Following discussion,

The question being on the adoption of the Rules committee amendment to the bill, the same was put and prevailed.

The bill (Eng. Com. Sub. for S. B. 368), as amended, was again ordered to engrossment and third reading.

Senator Roberts, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

Senate Bill 370, Requiring certain documents that contain wage records be considered confidential.

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

Com. Sub. for Senate Bill 370 (originating in the Committee on the Workforce)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4; and to amend and reenact §21-1C-5 of said code, all relating to requiring certain documents that include records of wages be considered confidential; prohibiting governmental entity that requires private company contracting with, or seeking to contract with, a governmental entity for a construction project to submit any document that includes records of actual wages paid to employees from disclosing document or information contained therein to any other entity or person; permitting disclosure of such document or information to state or federal agency; providing that any such

document containing records of actual wages paid to employees shall be considered confidential and proprietary and may not be considered a public record; defining “governmental entity”; defining contents of certified payroll document; providing that any document containing records of actual wages paid to employees filed or submitted pursuant to the West Virginia Jobs Act may not be disclosed by the Division of Labor or a public authority to any other entity or person other than to a state or federal agency; and providing that any document submitted or filed pursuant to the West Virginia Jobs Act that includes records of actual wages paid to employees or information contained therein shall be considered confidential and proprietary and may not be considered a public record.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Rollan A. Roberts,
Chair.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 445, Reinstating film investment tax credit.

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

Com. Sub. for Senate Bill 445 (originating in the Committee on Economic Development)—A Bill to amend and reenact §11-13X-3, §11-13X-4, §11-13X-5, §11-13X-6, §11-13X-8, §11-13X-11, §11-13X-12, and §11-13X-13 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Film Industry Investment Act; reinstating the film investment tax credit; providing the coordination and management by the West Virginia

Development Office; defining “Development Office” and “multi-state distribution”; excluding short-term depreciation from credit; raising the minimum threshold of cumulative annual expenditures necessary to qualify for credit; establishing an annual limit in credits available; requiring the Development Office to develop a database of locations, music, and other resources to be made available to film production teams; requiring state agencies to solicit bids from West Virginia vendors for film or video projects if available; and giving retroactive effect to film investment tax credit program.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Chandler Swope,
Chair.

The bill (Com. Sub. for S. B. 445), under the original double committee reference, was then referred to the Committee on Finance.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 456, Relating to Natural Resources Police Officers Retirement System.

And,

Senate Bill 467, Relating to WV Municipal Police Officers and Firefighters Retirement System.

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

Respectfully submitted,

Eric Nelson, Jr.,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee references of the bills contained in the foregoing report from the Committee on Pensions.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 460, Relating to Deputy Sheriff Retirement System Act.

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

Com. Sub. for Senate Bill 460 (originating in the Committee on Pensions)—A Bill to amend and reenact §7-14D-2, §7-14D-11, §7-14D-13, §7-14D-19, and §7-14D-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §7-14D-32, all relating to the Deputy Sheriff Retirement System Act; defining terms; amending and removing conflicting statutory provisions; clarifying preretirement death benefits; and adding a severability clause.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric Nelson, Jr.,
Chair.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 464, Developing and implementing program to regulate source-separated organic material waste.

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

Com. Sub. for Senate Bill 464 (originating in the Committee on Economic Development)—A Bill to amend and reenact §22-15-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-15-24, all relating to the development and implementation of a program to regulate source-separated organic material waste; requiring permits for the facilities and general operation; providing for general handling of organic material waste; authorizing the secretary to promulgate rules; and authorizing the secretary to provide exemptions.

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

Respectfully submitted,

Chandler Swope,
Chair.

On motion of Senator Swope, the bill (Com. Sub. for S. B. 464) contained in the foregoing report from the Committee on Economic Development was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

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

By Senator Grady:

Senate Bill 559—A Bill to amend and reenact §37-13A-1 of the Code of West Virginia, 1931, as amended, relating to protecting landowners who allow others to access cemeteries from their private property or roadway; and ensuring that those persons who damage private property are solely responsible for any costs of repair associated therein.

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 560—A Bill to amend and reenact §29-22A-10b of the Code of West Virginia, 1931, as amended, relating to changes in distribution of net terminal income.

Referred to the Committee on Finance.

Senator Smith offered the following resolution:

Senate Concurrent Resolution 12—Applying to the Congress of the United States to call a convention for proposing amendments pursuant to Article V of the United States Constitution limited to proposing amendments that impose limits to the power and jurisdiction of the federal government by allowing the state legislatures of the United States to pass legislation to override certain federal laws deemed too onerous or restrictive.

Whereas, Some federal laws have a disproportionate impact on the several states in the Union; and

Whereas, The concentration of power at the federal level has had the effect of making federal officials less responsive to the will of the people and more readily influenced by lobbyists, wealthy corporations, and special interests in Washington, D.C.; and

Whereas, Much of federal law is now enacted by federal bureaucrats who were never chosen by the people and have no accountability to the people whatsoever; and

Whereas, Policy decisions made at the state level tend to be more responsive to the needs and desires of the people; and

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, many of which are unfunded to a great extent; and

Whereas, The states have the ability to restore the responsiveness of government to the people and to restrain abuses of federal power by proposing amendments to the Constitution of the United States through a limited Convention of the States under Article V; therefore, be it

Resolved by the Legislature of West Virginia:

That it hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that limit the power and jurisdiction of the federal government by allowing a vote of three-fifths of the several state legislatures to repeal certain federal laws and regulation they deem to be too onerous or restrictive; and, be it

Further Resolved, The West Virginia Legislature adopts this application expressly subject to the following reservations, understandings, and declarations:

1. An application to the Congress of the United States to call an amendment convention of the states pursuant to Article V of the United States Constitution confers no power to Congress other than the power to call such a convention. The power of Congress to exercise this ministerial duty consists solely of the authority to name a reasonable time and place for the initial meeting of a convention;

2. Congress shall perform its ministerial duty of calling an amendment convention of the states only upon the receipt of applications for an amendment convention for the substantially

same purpose as this application from two-thirds of the legislatures of the several states;

3. Congress does not have the power or authority to determine any rules for the governing of an amendment convention of the states called pursuant to Article V of the United States Constitution. Congress does not have the power to set the number of delegates to be sent by any state to such a convention, nor does it have the power to name delegates to such a convention. The power to name delegates remains exclusively within the authority of the legislatures of the several states;

4. By definition, an amendment convention of the states means that states shall vote on the basis of one state, one vote;

5. A convention of the states convened pursuant to this application shall be limited to consideration of the topics specified herein and no other. This application is made with the express understanding that an amendment that in any way seeks to amend, modify, or repeal any provision of the Bill of Rights shall not be authorized for consideration at any stage. This application shall be void *ab initio* if ever used at any stage to consider any change to any provision of the Bill of Rights;

6. Pursuant to Article V of the United States Constitution, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The West Virginia Legislature recommends that Congress select ratification by the legislatures of the several states; and

7. The West Virginia Legislature may provide further instructions to its delegates and may recall its delegates at any time for a breach of a duty or a violation of the instructions provided; and, be it

Further Resolved, That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least

two-thirds of the several states have made applications on the same subject; and, be it

Further Resolved, That the Clerk of the Senate forward a copy of this resolution, Legislative Call, and application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Representatives from this state; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

Which, under the rules, lies over one day.

Senators Woelfel and Plymale offered the following resolution:

Senate Concurrent Resolution 13—Urging the Adjutant General to establish an Honor Guard in each National Guard unit to provide military funeral honors to honorably discharged veterans in West Virginia.

Whereas, Per capita, more citizens from West Virginia have served in our nation's armed forces than from any other state and we are proud of our citizens who, despite danger, have done what they must for peace and freedom; and

Whereas, Providing military funeral honors is one of the last ways to honor those who served; and

Whereas, Military funeral honors are normally provided by the veterans organization of the state, however, because of the limited number of members and the age of the veterans available, there are many communities unable to provide these services; and

Whereas, With the West Virginia National Guard having some 6,000 members, there should be a designated Honor Guard trained and made available to provide military funeral honors when requested by the family or funeral director, assuring that no West Virginia veteran would be denied their proper honors; and

Whereas, It is always important that we honor the many brave West Virginians who have faced the enemy, been wounded, and have given their lives not only for our freedom but for freedom around the world; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature urges the Adjutant General to establish an Honor Guard in each National Guard unit to provide military funeral honors to honorably discharged veterans 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 Honorable Jim Justice, Governor of the State of West Virginia, and to BG William E. Crane.

Which, under the rules, lies over one day.

Senators Blair (Mr. President), Unger, Rucker, Trump, Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Weld, Woelfel, and Woodrum offered the following resolution:

Senate Resolution 12—Memorializing the life of John W. Small, Jr., of Berkeley County, West Virginia's longest serving elected official and dedicated public servant.

Whereas, John W. Small, Jr., began his public service career on December 8, 1956, as an employee of the Berkeley County Clerk's Office; and

Whereas, John W. Small, Jr., was appointed Chief Deputy Clerk of Berkeley County on January 2, 1957; and

Whereas, John W. Small, Jr., was appointed Berkeley County Clerk on September 17, 1971, to fill the vacancy created by the death of Clerk Eugene Dunham; and

Whereas, John W. Small, Jr., was elected to his first full six-year term in 1974 and was reelected for his seventh consecutive six-year term in 2016; and

Whereas, John W. Small, Jr., resigned as Berkeley County Clerk on January 18, 2021, ending over 60 years of dedicated public service to the citizens of Berkeley County; and

Whereas, John W. Small, Jr., took an active interest in the civic and cultural welfare of his community as a member of the Martinsburg Lions Club, where he served as the club secretary for more than 35 years and was the recipient of the Melvin Jones Fellows Award for dedicated humanitarian services from Lions Club International and the Leonard Jarrett Award, the highest honor given by the West Virginia Lions Sight Conservation Foundation. In addition, he was the founder of the Mountain State Apple Harvest Parade in 1979, and continued his involvement for over thirty years; and

Whereas, Sadly, John W. Small, Jr., passed away on February 24, 2021, ending a distinguished life of public service; and

Whereas, It is fitting that the Senate pay tribute to the life and legacy of John W. Small, Jr., for his many contributions to his community, county, and state; therefore, be it

Resolved by the Senate:

That the Senate hereby memorializes the life of John W. Small, Jr., of Berkeley County, West Virginia's longest serving elected official and dedicated public servant.; and, be it

Further Resolved, That the Senate extends its most sincere condolences to the family of John W. Small, Jr., on his passing; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the family of John W. Small, Jr.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 8, Fire Chief Kenneth Junior Russell Memorial Bridge.

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

The question being on the adoption of the resolution, the same was put and prevailed.

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

Senate Concurrent Resolution 9, Haynie Family Veterans Memorial Bridge.

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

The question being on the adoption of the resolution, the same was put and prevailed.

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

Senate Resolution 11, Designating Sexual Assault Awareness Day in WV.

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

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 263, Permitting online raffles to benefit charitable and public service organizations.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Roberts—1.

Absent: Maroney and Stover—2.

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. 263) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Roberts—1.

Absent: Maroney and Stover—2.

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. 263) 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 332, Providing procedure for WV to select delegates to Article V Convention.

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

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 332 pass?”

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—21.

The nays were: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel—11.

Absent: Maroney and Stover—2.

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. 332) passed with its title.

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

Eng. Com. Sub. for Senate Bill 345, Expanding alcohol test and lock program to include offenders with drug-related offense.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips,

Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Maroney and Stover—2.

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. 345) 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.

Senate Bill 381, Creating nonresident three-day fishing license.

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 434, Requiring training for law-enforcement officers responsible for investigating crimes of sexual assault.

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

Senate Bill 463, Consolidating position of Inspector General of former Workers' Compensation Fraud and Abuse Unit and position of Director of Insurance Fraud Unit.

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

Senate Bill 501, Continuing and indexing of license and stamp fees.

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

Senate Bill 537, Relating generally to kidnapping.

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

Com. Sub. for Senate Bill 294, Relating generally to savings and investment programs offered by state.

Senate Bill 305, Providing exemption from consumers sales and service tax for certain aircraft maintenance.

Com. Sub. for Senate Bill 343, Authorizing DMV to process online driver's license or identification card change of address.

Com. Sub. for Senate Bill 375, Relating to county boards of education policies for open enrollment.

Senate Bill 376, Removing obsolete provisions regarding DOH standards for studded tires and chains.

Senate Bill 390, Reorganizing Health Care Authority under DHHR and clarifying responsibilities for all-payer claims database.

Senate Bill 397, Relating to health care provider tax.

Senate Bill 404, Modifying well work permits issued by DEP Office of Oil and Gas.

Com. Sub. for Senate Bill 421, Authorizing Workforce West Virginia to hire at-will employees.

Com. Sub. for Senate Bill 429, Exempting Division of Emergency Management from Purchasing Division requirements for certain contracts.

Com. Sub. for Senate Bill 435, Requiring county superintendents to authorize certain school principals or administrators at nonpublic schools to issue work permits for enrolled students.

Com. Sub. for Senate Bill 439, Allowing use or nonuse of safety belt as admissible evidence in civil actions.

And,

Com. Sub. for Senate Bill 469, Permitting and establishing requirements for appearance by video for purpose of notarial acts.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Plymale and Phillips.

At the request of Senator Plymale, and by unanimous consent, the Senate stood in observance of a moment of silence in recognition of the passing of Jeff Gilbert, brother of Dr. Jerry Gilbert, President of Marshall University.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on March 3, 2021:

Senate Bill 353: Senator Weld.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on March 3, 2021:

Senate Bill 3: Senator Smith;

Senate Bill 39: Senators Phillips and Ihlenfeld;

Senate Bill 54: Senator Rucker;

Senate Bill 305: Senator Woelfel;

Senate Bill 329: Senator Smith;

Senate Bill 344: Senator Baldwin;

Senate Bill 357: Senator Smith;

Senate Bill 383: Senator Phillips;

Senate Bill 504: Senator Karnes;

Senate Bill 539: Senators Woelfel, Lindsay, and Caputo;

Senate Bill 543: Senators Phillips, Smith, Caputo, Roberts, Beach, and Clements;

Senate Bill 551: Senator Roberts;

Senate Bill 555: Senator Roberts;

Senate Bill 557: Senator Beach;

Senate Joint Resolution 11: Senator Karnes;

And,

Senate Resolution 11: Senators Woelfel, Ihlenfeld, Lindsay, Caputo, Beach, Hamilton, and Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:17 p.m., the Senate adjourned until tomorrow, Friday, March 5, 2021, at 11 a.m.

FRIDAY, MARCH 5, 2021

The Senate met at 11:05 a.m.

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

Prayer was offered by the Honorable Robert D. Beach, a senator from the thirteenth district.

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 Thursday, March 4, 2021,

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

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

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for Senate Bill 11, Declaring work stoppage or strike by public employees to be unlawful.

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

Eng. Senate Bill 459, Relating to return of member's paid contributions to heirs after member's death under certain circumstances.

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 2002—A Bill to repeal §31G-1-6, §31G-1-9, and §31G-1-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §17-2E-2, §17-2E-3, §17-2E-5, §17-2E-6, §17-2E-7, §17-2E-8, and §17-2E-9 of said code; to amend and reenact §24D-1-1, §24D-1-2, §24D-1-9, §24D-1-15, §24D-1-16, §24D-1-21, and §24D-1-26 of said code; to amend and reenact §31G-1-2 and §31G-1-4 of said code; to amend and reenact §31G-4-1 and §31G-4-2 of said code; to amend said code by adding thereto two new sections, designated §17-2E-10 and §17-2E-11; to amend said code by adding thereto a new article, designated §31G-1A-1, §31G-1A-2, §31G-1A-3, §31G-1A-4, §31G-1A-5, §31G-1A-6, §31G-1A-7, §31G-1A-8, §31G-1A-9, and §31G-1A-10; to amend said code by adding thereto a new section, designated §31G-3-3; and to amend said code by adding thereto a new article, designated §31G-6-1, §31G-6-2, and §31G-6-3 of said code, all relating to providing statutory framework to support, encourage, and expedite the expansion of broadband throughout the state of West Virginia; modifying the definition of “telecommunications carrier”; establishing requirements for agreements between the Division of Highways and an entity seeking to install telecommunications facilities; providing for in-kind contribution as a required term of agreement; establish process for Division of Highways to approve or deny application; requiring the Division of Highways provide a consolidated checklist or flow chart of all state or federal regulatory requirements; providing that the provisions of this article shall apply to all installations of any kind which necessitate disturbance of ground for a length of 1,000 feet or greater in a right-of-way owned or controlled by the Division of Highways; requiring notice to the Office of Broadband of a telecommunication entity’s intent to seek construction in division’s right-of-way; providing the Office of Broadband is responsible for ensuring compliance with certain terms and will provide the Division of Highways and the applicant with certification of such compliance; allowing a utility to apply to share trench with telecommunications carrier; providing

the Office of Broadband the authority to issue certificates of compliance to the Division of Highways and applicant; requiring Office of Broadband create, seek approval for, and update a formula or matrix to determine fair market value and in kind compensation for carriers use of rights-of-way or telecommunications facilities owned by the Division of Highways; providing Division of Highways the authority to allow carriers the use of excess telecommunications facilities; allowing Division of Highways to transfer or assign ownership of in-kind compensation or excess telecommunications facilities to another state agency upon approval by Governor; requiring that telecommunications facilities who share trench share responsibility of compensating Division of Highways; allowing Division of Highways to require a carrier bear joint and several liability; requiring agreements to provide that two or more carriers sharing obligations must allow Division of Highways to review or audit those agreements; providing rulemaking authority to Division of Highways; establishing additional requirements for Division of Highways related to broadband installation, permitting, pathways, access, and contractor requirements; adding broadband telecommunications to Chapter on cable television and cable television system act for certain purposes; defining “broadband” or “broadband service” and “broadband operator”; establishing requirements for broadband operators related to installation and construction; requiring broadband operators to indemnify the state for installation, operation, and maintenance; establishing requirements for broadband operator related to easement; providing requirements for broadband operators to restore interrupted service; requiring broadband operator to credit subscribers for interruptions in service of more than 24 hours; establishing that broadband providers may not deny access based upon certain factors; providing that broadband service is not a utility or subject to utility regulation; defining “applicable codes” “unserved area” and “underserved”; defining powers and duties of Broadband Enhancement Council; providing the Broadband Enhancement Council and Office of Broadband coordinate on bringing broadband service to unserved and underserved areas; providing Broadband Enhancement Council publicly report to the Secretary of Commerce on or before December 1 annually; creating the Office of Broadband within the

Economic Development Office and under the Department of Commerce; creating the position of, and requirements for, the Director of the Office of Broadband; establishing the powers and duties of the Office of Broadband; requiring the Office of Broadband report annually to the Joint Committee on Government and Finance; requiring the Office of Broadband to map broadband in the state and establish an interactive public map; requiring certain executive agencies to cooperate and provide information to the Office of Broadband regarding AREA maps; requiring Office of Broadband Report to the Joint Committee on Technology regarding AREA maps at specified times; allowing Office of Broadband to retain outside expert consultants; providing authority to Office of Broadband to educate public on broadband service issues; allowing Office of Broadband to establish a voluntary data collection program; providing that information collected in program not subject to the Freedom of Information Act; establishing, by Office of Broadband, requirements of data collection program to be submitted to the Legislature; requiring the Office of Broadband to create guidelines for voluntary donation of rights away and similar structures to facilitate broadband development; allowing Office of Broadband to create guidelines and recommend to legislature an easement program to facilitate broadband service; allowing Office of Broadband to seek funding and grants; establishing process to protect proprietary business information provided to the Office of Broadband; excluding proprietary business information from production under the Freedom of Information Act; providing criminal penalties for unauthorized disclosure of confidential and proprietary information; providing rulemaking authority to the Office of Broadband; establishing requirements for counties, municipalities, and political subdivisions regarding installation of conduit; defining "applicable codes"; providing for preemption of West Virginia Code and Code of State Rules and ordinances relating to installation of certain broadband equipment; providing for scheme of construction of language of private agreements relating to exterior installation of antennas and related equipment; providing for preemption of West Virginia Code and Code of State Rules and ordinances relating to pole attachment of certain broadband equipment; providing for scheme of construction of language of

private agreements relating to pole attachment; and requiring broadband operators receiving public funds to testify, upon request, under oath before the Legislature.

Referred to the Committee on Government Organization.

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 2013—A Bill to amend and reenact §18-8-1 and §18-8-1a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-9A-25; and to amend said code by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, §18-31-9, §18-31-10, §18-31-11, §18-31-12, and §18-31-13, all relating to establishing the Hope Scholarship Program; providing for a short title and definitions; establishing the framework for the scholarship and establishing guidelines; creating the West Virginia Hope Scholarship Board and providing for membership qualifications therein; creating a process for awarding scholarships; establishing funding mechanisms for the scholarships; establishing qualified expense requirements; creating a renewal process for the scholarship; creating an administration process for the scholarships; establishing an auditing mechanism for the scholarships and potential suspension system for providers; creating requirements and right of education service providers; establishing responsibilities of resident school districts; and providing for legal proceedings and severability.

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

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

Eng. Com. Sub. for House Bill 2025—A Bill to amend and reenact §7-1-3ss of the Code of West Virginia, 1931, as amended, to amend and reenact §11-16-3, §11-16-9, and §11-16-18 of said code; to amend said code by adding thereto two new sections, designated §11-16-6d and §11-16-11c; to amend said code by adding thereto two new sections, designated §19-2-12 and §19-2-13; to amend and reenact §60-1-5a of said code; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend and reenact §60-6-8 of said code; to amend and reenact §60-7-2, §60-7-6, and §60-7-12 of said code; to amend said code by adding thereto five new sections, designated §60-7-8b, §60-7-8c, §60-7-8d, §60-7-8e, and §60-7-8f; to amend and reenact §60-8-2, §60-8-3, §60-8-4, §60-8-18, §60-8-29 and §60-8-34 of said code; to amend said code by adding thereto four new sections, designated §60-8-6c, §60-8-6d, §60-8-6e, and §60-8-32a; to amend said code by adding thereto a new article, designated §60-8A-1, §60-8A-2, §60-8A-3, §60-8A-4, §60-8A-5, and §60-8A-6; and to amend and reenact §61-8-27 of said code, all relating to nonintoxicating beer, nonintoxicating craft beer, liquor, wine, and hard cider sales in this state; providing for a definition of light alcoholic beverages; providing for the authority and license to deliver nonintoxicating beer or nonintoxicating craft beer with requirements, no additional fee for certain licensees, a license fee for third parties, and a nonintoxicating beer retail transportation permit with requirements; providing certain licensees with the authority for nonintoxicating beer, nonintoxicating craft beer, outdoor dining, and outdoor street dining; authorizing in-person or in-vehicle pick up of purchased food and nonintoxicating beer or nonintoxicating beer orders-to-go; creating an unlicensed brewer or home brewer temporary license for use at fairs and festivals, requirements, and a license fee; providing for changing the beginning time for nonintoxicating beer, nonintoxicating craft beer, liquor, and wine sales to begin at 6:00 a.m. on all days; relating to the manufacture and sale of hard cider and wine by establishing the Agriculture Development Fund; establishing permitted expenditures from the Agriculture Development Fund; creating a new program to develop hard cider; providing for wine definitions; clarifying various aspects of wine, specifically the alcohol by volume percentage for table wine, wine,

and fortified wine; adding the definition of “nonfortified dessert wine”; creating a private manufacturer club license for distilleries, mini-distilleries, micro-distilleries, wineries, and farm wineries, requirements, and a license fee; authorizing distilleries, mini-distilleries, and micro-distilleries to also operate wineries, farm wineries, brewers, and resident brewers; authorizing wineries and farm wineries to also operate as distilleries, mini-distilleries, micro-distilleries, brewers, and resident brewers; authorizing the ability to pre-mix alcoholic liquors, establishing certain requirements, and creating a permit; creating private caterer license, requirements, and license fee; creating a private club bar license, requirements, and license fee; creating a private club restaurant license, requirements, and license fee; creating a private manufacturer club license, requirements, and license fee; authorizing a distillery, mini-distillery, or micro-distillery to also obtain a winery or farm winery license; authorizing a winery or farm winery to also obtain a distillery, mini-distillery, or micro-distillery license; creating a private tennis club license, requirements, and license fee; creating a private wedding venue or barn license, requirements, and license fee; creating a one-day charitable rare, antique, or vintage liquor auction license for charitable purposes, requirements, and license fee; creating a private multi-vendor fair and festival license, requirements, and license fee; providing for a reduction of certain fees; creating private outdoor dining and private outdoor street dining areas as legally demarcated areas that are not a public place; authorizing and creating craft cocktail growlers and requirements, and a private cocktail delivery permit; authorizing in-person or in-vehicle pick up of purchased food and craft cocktail growler orders-to-go; clarifying penalties for failure to meet wine licensure requirements; replacing wine bond requirements that secure the payment of taxes by distributors, suppliers, certain wineries, and certain farm wineries, who are acting as either suppliers or distributors in a limited capacity, with an affidavit of compliance; providing penalties for failure to pay taxes and maintain good standing with the state; authorizing wineries and farm wineries to sell wine growlers and establishing requirements; authorizing certain Class A and Class B licensees to sell wine growlers and establishing

requirements; creating the authority and license to deliver wine with a private wine delivery license, requirements, no additional fee for certain licensees, a license fee for third parties, and a private wine retail transportation permit and requirements; creating private wine outdoor dining and private wine outdoor street dining areas as legally demarcated areas that are not a public place; authorizing in-person or in-vehicle pick up of purchased food and wine orders-to-go; providing that there is no separate license required to manufacture and sell hard cider under certain conditions; providing for a hard cider distributor's license and permitting other current and valid licensees to distribute hard cider without an additional license fee; providing for hard cider exemptions to the wine liter tax; establishing a hard cider gallon tax; providing for the application of West Virginia Tax Procedures and Administration Act and West Virginia Tax Crimes and Penalties Act to the hard cider gallon tax; providing for an internal effective date; providing for a tax credit against the hard cider tax; providing for applicability of other laws; requiring regular reports to the Tax Commissioner; providing for applications to import products necessary to manufacture hard cider under certain conditions; providing for hard cider sales for consumption on the licensed premises; providing for complimentary samples to be offered; establishing requirements for complimentary samples; permitting the sale of wine growlers; establishing wine growler requirements, in certain circumstances; and providing additional exceptions to the criminal penalty for the unlawful admission of children to dance house for certain private clubs with approved age verifications systems.

Referred to the Committee on the Judiciary.

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

House Concurrent Resolution 23—Declaring March 4, 2021 to be Sexual Assault Awareness Day in West Virginia.

Referred to the Committee on Rules.

The Senate proceeded to the fourth order of business.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 4th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 14), Providing for additional options for alternative certification for teachers.

And,

(H. B. 2262), Relating to the controlled substance monitoring database.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Dean Jeffries,
Chair, House Committee.

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

Your Committee on Government Organization has had under consideration

Senate Bill 351, Declaring Israel as prominent trading partner.

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

Com. Sub. for Senate Bill 351 (originating in the Committee on Government Organization)—A Bill to amend the Code of West

Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, and §5-30-5, all relating to state contracts; declaring Israel a prominent trading partner; prohibiting state contracts without certain written certification; prohibiting adoption of procurement, investment, or other policy that requires a person to boycott the government of Israel; authorizing approval of contracts and waiving of applications; and defining terms.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 351), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration

Senate Bill 466, Expanding and clarifying definition of “appraisal management companies”.

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

Com. Sub. for Senate Bill 466 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-38-3, §30-38-4, §30-38-6, §30-38-11, and §30-38-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-38A-3, §30-38A-4, §30-38A-8, and §30-38A-10 of said code, all relating to real estate appraisal; clarifying requirement that

classification and license or certification number be shown on documents; authorizing real estate appraisal licensing and certification board to hire certain persons; clarifying definition of “appraisal management company” for purposes of Appraisal Management Companies Registration Act; expanding list of individuals prohibited from owning registered appraisal management companies; requiring owners of more than 10 percent of appraisal management company to submit to background check; and making technical changes throughout.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 475, Dedicating certain fees collected by agencies and licensing boards to General Revenue Fund.

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

Com. Sub. for Senate Bill 475 (originating in the Committee on Finance)—A Bill to amend and reenact §21-1-5 of the Code of West Virginia, 1931, as amended, relating to dedicating fees collected by the Division of Labor to General Revenue Fund; providing for exceptions; and setting out an effective date.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
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 498, Amending definition of “sexual contact”.

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

Com. Sub. for Senate Bill 498 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-8B-1 of the Code of West Virginia, 1931, as amended, relating to modifying the definition of “sexual contact”; and removing the element that the parties not being married to each other from the definition.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 517, Relating to sunset provisions of legislative rules.

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

Com. Sub. for Senate Bill 517 (originating in the Committee on Government Organization)—A Bill to amend and reenact §29A-3-19 of the Code of West Virginia, 1931, as amended, relating to sunset provisions of legislative rules; removing the five-year sunset requirement for new legislative rules after initial five-year sunset provision; requiring all legislative rules to sunset on July 1 of the applicable year effective July 1, 2021; authorizing the Secretary of State to modify all active legislative rules with sunset provisions in accordance with this requirement; and requiring the Secretary of State to file a notice of sunset in the State Register upon the expiration of a legislative rule.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2001, Relating generally to creating the West Virginia Jumpstart Savings Program.

And has amended same.

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

Respectfully submitted,

Patricia Puertas Rucker,
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

Eng. Com. Sub. for House Joint Resolution 1, Education Accountability Amendment.

And has amended same.

And reports the same back with the recommendation that it be adopted, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The resolution, under the original double committee reference, was then referred to the Committee on Finance, with an amendment from the Committee on the Judiciary pending.

The Senate proceeded to the sixth order of business.

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

By Senator Lindsay:

Senate Bill 561—A Bill to repeal §3-3-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1-34 and §3-1-41 of said code; to amend and reenact §3-1A-5 of said code; to amend and reenact §3-2-25 and §3-2-27 of said code; to amend and reenact §3-3-1, §3-3-1a, §3-3-2, §3-3-2a, §3-3-3, §3-3-5, §3-3-9, §3-3-10, and §3-3-12 of said code; to amend and reenact §3-4A-19 of said code; to amend and reenact §3-5-13 and §3-5-17 of said code; to amend and reenact §3-6-6, §3-6-7, and §3-6-9 of said code; to amend said code by adding thereto a new section, designated §3-9-14; and to amend and reenact §3-9-19 of said code, all relating to modernization of procedures for voting in public elections; modifying voter identification procedure at the polls; removing authority of election commissioners and poll

clerks to dispute voter claims of disability; providing for distribution of informational materials and periodic updates thereof; revising the procedure to declare voters inactive on registration lists; authorizing all registered voters to vote absentee ballot by mail; simplifying the requirements for an emergency absentee ballot; providing for secure receipt of hand-delivered absentee ballots; specifying security and accessibility requirements for early voting locations; providing for stand-alone drop-off locations for deposit of completed absentee ballots; revising time requirements and deadlines; eliminating restrictions on in-person and absentee voting for elections held on Saturdays; revising terms and procedures for casting an absentee ballot by mail; reforming the procedures and grounds for challenging an absentee ballot; specifying the form and printed text of envelopes for absentee ballots; establishing a prec canvass procedure for ballots received in advance of Election Day; authorizing voter cure for potentially deficient absentee ballots; establishing a criminal offense of coercion and intimidation of a voter; defining a criminal offense of unauthorized marking of another person's absentee ballot; providing criminal penalties for violations; and correcting citations and grammar throughout.

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

By Senator Trump:

Senate Bill 562—A Bill to amend and reenact §49-4-712 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto nine new sections, designated §49-4-727, §49-4-728, §49-4-729, §49-4-730, §49-4-731, §49-4-732, §49-4-733, §49-4-734, and §49-4-735, all relating to juvenile competency proceedings generally; creating a process to raise and resolve questions of a competency in juvenile delinquency matters; defining terms; creating a rebuttable presumption that juveniles 14 years of age and older are competent to proceed; creating a rebuttable presumption that juveniles under 14 years of age are incompetent to proceed; requiring the appointment of a guardian ad litem when a juvenile is determined to be incompetent; requesting the Supreme Court to establish a training program for

guardians ad litem; establishing time frames for jurisdiction and competency attainment services; and establishing procedures for competency hearings.

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 563—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, relating to banning medical abortions using RU-486.

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

By Senators Ihlenfeld and Smith:

Senate Bill 564—A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §6B-4-1, §6B-4-2, §6B-4-3, §6B-4-4, §6B-4-5, §6B-4-6, §6B-4-7, and §6B-4-8, all relating to the Office of the State Inspector General; establishing an annual salary; establishing the Office of the State Inspector General; powers and duties of office; appointment and removal; reappointment; authority to engage in a criminal investigation; duty to investigate report; submission of annual report to Legislature; authority to investigate complaints, including authority to issue subpoenas; authority to apply to courts for orders of contempt; mandate to establish a code of ethics for the conduct of state business; authority upon evidence of a violation of the code of ethics; authority upon a finding of malfeasance, nonfeasance, misappropriation, fraud, or other misconduct in the conduct of state business; authority upon evidence of criminal activity; procedure for appointment of inspector as a special prosecutor; confidentiality of disclosed information to Inspector General; confidentiality of investigative records; and criminal penalty for knowingly and intentionally disclosing confidential information or records.

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

By Senators Roberts and Takubo:

Senate Bill 565—A Bill to amend and reenact §3-1-16 and §3-1-17 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §3-1A-9; to amend and reenact §3-2-6, §3-2-11, §3-2-23, and §3-2-25 of said code; to amend and reenact §3-3-1, §3-3-3, §3-3-5, and §3-3-5c of said code; to amend and reenact §3-7-6 and §3-7-7 of said code; to amend and reenact §3-8-2b of said code; to amend and reenact §3-9-13 of said code; to amend said code by adding thereto a new section, designated §3-9-21; and to amend and reenact §51-2A-5 of said code, all relating to the deadline for electronically submitted voter registration applications; runoffs for nonpartisan elections of Justices of the Supreme Court of Appeals, circuit courts, magistrate courts, and family courts when no candidate receives at least fifty percent of the total votes cast for that office; changing the time period of voting inactivity required for county clerks to initiate the confirmation notice mailing process designed to identify voters who may have moved without filing a forwarding address, moved with a forwarding address under another name, died in a another county or state so that the certificate of death was not returned to the clerk of the county commission, or who otherwise have become ineligible, from four years to two years; changing the deadline by which voters may submit their absentee-by-mail and emergency absentee ballot requests consistent with United States Postal Services recommendations effective January 1, 2022; changing the start and end date for early in-person voting; giving eligible citizens the affirmative choice to register to vote at any Department of Motor Vehicles office; requiring jury duty excusal information for out-of-state, non-citizen, and deceased persons to be transmitted to the appropriate election official for voter registration roll maintenance purposes; to permit voter registration roll removal of voters considered mentally incompetent by a licensed medical professional; requiring disclosures on political push-polls and prerecorded political telephone messages; prohibiting candidates from giving personal or business gifts to any non-family member, non-educational institution, or unregistered charity or nonprofit within 60 days of an election and exceptions; extending an electronic absentee ballot transmission option to first responders called out-of-state in emergency situations which prevents said

voters from participating in the election and to voters qualified for an emergency absentee ballot; changing jurisdiction of election contests for county, district, and municipal elections to the circuit courts; clarifying procedures for election contests; establishing three-judge circuit court panel as the tribunal for hearing an election contest; providing for appeals of such proceedings to the Supreme Court of Appeals; granting rule-making authority to the Supreme Court of Appeals for the conduct of county, district, and municipal election contest proceedings; prohibiting interference with voters' open and accessible ingress and egress to and from the polls during the early in-person and election day voting periods; and relating to the regulation of non-public funding sources for election administration and related expenses.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 566—A Bill to amend and reenact §18-3-6 of the Code of West Virginia, 1931, as amended, relating to upholding and applying the Superintendent of Schools' interpretation of school law and State Board of Education rules.

Referred to the Committee on the Judiciary.

By Senator Stollings:

Senate Bill 567—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-60-1, relating to requiring health benefit plans to provide insurance to persons without regard to their health status; prohibiting insurers from denying health benefits to persons based upon their health status; prohibiting insurer from using genetic information in decisions regarding premium, deductible, copay or coinsurance; prohibiting insurer from using claims information in decisions regarding premium, deductible, copay or coinsurance; prohibiting insurers from establishing lifetime limits; requiring insurers to provide minimum coverages for health benefit insurance; and requiring the Insurance Commissioner set annual limits on deductibles and cost sharing.

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

By Senator Azinger:

Senate Bill 568—A Bill to amend and reenact §15-5-6 of the Code of West Virginia, 1931, as amended, relating to the emergency powers of the Governor; when the Governor may be required to convene a special session of the Legislature; defining actions of state government or political subdivisions that are prohibited during states of emergency; authorizing legal actions or actions in equity by persons or businesses aggrieved by governmental violations, together with the award of costs and fees to prevailing plaintiffs; and ending the mask mandate imposed by the Governor upon passage.

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

By Senator Azinger:

Senate Bill 569—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to damages for medical monitoring; establishing requirements for an order for payment of medical monitoring expenses; and providing that an increased risk of disease is not a compensable basis for damages in any civil action.

Referred to the Committee on the Judiciary.

By Senators Phillips, Martin, Stover, and Smith:

Senate Bill 570—A Bill to amend and reenact §18B-1-3 and §18B-1-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4 of said code; to amend and reenact §18B-2A-4 of said code; to amend and reenact §18B-2B-6 of said code; and to amend said code by adding thereto a new section, designated §18B-4-5b, all relating to denying institutions of higher education the authority to restrict or regulate the carrying of a concealed deadly weapon by a person who holds a current license to carry a concealed deadly weapon; providing exceptions as to

when regulation may occur; and designating these amendments as the Campus Self Defense Act.

Referred to the Committee on the Judiciary.

By Senators Baldwin and Lindsay:

Senate Bill 571—A Bill to amend and reenact §11-21-22 and §11-21-22b of the Code of West Virginia, 1931, as amended, relating to providing an earned income tax credit against the personal income tax.

Referred to the Committee on Finance.

By Senator Phillips:

Senate Bill 572—A Bill to repeal §61-11-2 of the Code of West Virginia, 1931, as amended; to repeal §62-3-15 of said code; to amend and reenact §61-2-2 of said code; to amend said code by adding thereto seven new sections, designated §61-2-2a, §61-2-2b, §61-2-2c, §61-2-2d, §61-2-2e, §61-2-2f, and §61-2-2g; and to amend said code by adding thereto four new sections, designated §62-7-4, §62-7-5, §62-7-6, and §62-7-6a, all relating to the Patrolman Cassie Marie Johnson Memorial Act and the death penalty for first degree murder; procedures, standards and findings applicable to imposition thereof in certain instances including aggravating and mitigating circumstances; sentencing; providing automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid testing of biological material in death penalty cases; providing for execution of the death sentence by lethal injection; providing for delivery of sentence of death to officer retaining custody of person so sentenced; providing for transmission of indictment, order of conviction, sentence and judgment entered thereon to the warden of the state correctional facility; transfer of person sentenced to death to the state correctional facility; execution; providing presence of certain persons be requested for the execution; providing for certification that sentence of death has been executed; and providing for disposition of the body.

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

By Senator Smith:

Senate Bill 573—A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to requiring disclaimers on third-party, nongovernment solicitations of services for filing business annual reports with the Secretary of State; and creating criminal and civil penalties.

Referred to the Committee on the Judiciary.

By Senator Hamilton:

Senate Bill 574—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-14, relating to prioritizing county and municipal officials to receive the COVID-19 vaccine if they so desire.

Referred to the Committee on Health and Human Resources.

By Senator Baldwin:

Senate Bill 575—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25, relating to creating a tax credit for individuals who successfully complete a firearms safety course.

Referred to the Committee on Finance.

By Senator Phillips:

Senate Bill 576—A Bill to amend and reenact §15-2-10 of the Code of West Virginia, 1931, as amended, relating to requiring the West Virginia State Police to provide medical and hospital coverage for an illness or injury received by a member while performing services in the line of duty.

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

By Senators Phillips and Stollings:

Senate Bill 577—A Bill to amend and reenact §16-4C-23 of the Code of West Virginia, 1931, as amended, relating to exempting certain fire departments from licensure requirements for the provision of rapid response services.

Referred to the Committee on Government Organization.

By Senator Ihlenfeld:

Senate Bill 578—A Bill to amend and reenact §61-5-27 of the Code of West Virginia, 1931, as amended, relating to removing the requirement for the likelihood of imminent lawless action of a violent nature that could cause bodily harm to the prerequisites for the crime of intimidation and retaliation.

Referred to the Committee on the Judiciary.

By Senator Ihlenfeld:

Senate Bill 579—A Bill to amend and reenact §15-2-3 of the Code of West Virginia, 1931, as amended; and amend said code by adding thereto a new section, designated §15-2-57, all relating to establishing a special revenue account concerning the West Virginia State Police Student Loan Forgiveness Program; establishing the West Virginia State Police Loan Forgiveness Program; establishing rules and procedures governing applications; awarding grants to eligible applicants; and implementing of the loan forgiveness program.

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

By Senator Ihlenfeld:

Senate Bill 580—A Bill to amend and reenact §6B-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6B-3-4 of said code, all relating to West Virginia Governmental Ethics Act; providing that a public official may not accept payment or reimbursement for travel or lodging in excess of that paid by the Travel Management Office of the Department of Administration; providing that there is a rebuttal presumption that a gift of meals or beverages does impair the impartiality and

judgment of a person; and clarifying lobbyist reporting requirement to include the date of the expenditure, the name of the restaurant, or other place of the expenditure, including the city where it is located.

Referred to the Committee on the Judiciary.

By Senator Ihlenfeld:

Senate Bill 581—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-3F-1, §61-3F-2, and §61-3F-3, all relating to online privacy protection for children; prohibiting the marketing or advertising of certain products or services to minors; specifying prohibited goods and services; prohibiting the collection of information about minor users for marketing purposes; requiring operators of website, online services, or applications to remove personal information about a minor when the information is visible to others; and specifying limited exceptions.

Referred to the Committee on the Judiciary.

By Senator Caputo:

Senate Bill 582—A Bill to amend and reenact §60-8-20a of the Code of West Virginia, 1931, as amended, relating to lowering the authorized age to sell or deliver wine from 18 to 16.

Referred to the Committee on the Judiciary.

By Senator Caputo:

Senate Bill 583—A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-16B-6e of said code; to amend and reenact §33-16-3v of said code; to amend and reenact §33-24-7k of said code; and to amend and reenact §33-25A-8j of said code, all relating to increasing the required insurance coverage for autism spectrum disorders.

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

By Senator Caputo:

Senate Bill 584—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9A-1-10a, relating to paying a monthly allotment to certain veterans.

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

By Senator Beach:

Senate Bill 585—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7g, relating to requiring the State Board of Education to develop a program of instruction in home economics, or specific subjects within home economics, that may be integrated into the curriculum for students in secondary schools.

Referred to the Committee on Education.

By Senator Baldwin:

Senate Bill 586—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-23, relating to providing West Virginia veterans a 50 percent reduction in fees and charges at state parks.

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

Senators Boley, Azinger, Baldwin, Beach, Caputo, Clements, Ihlenfeld, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Roberts, Romano, Stollings, Swope, Weld, and Woelfel offered the following resolution:

Senate Concurrent Resolution 14—Requesting that the Joint Committee on Government and Finance recognize the historical legacy of West Virginia suffragists through the creation of the West Virginia Women's Suffrage Memorial, to be located on the Capitol grounds as a permanent reminder of the impact of the suffragists on West Virginia's past, present, and future.

Whereas, The definition of a suffragist is a person advocating to extend the right to vote to more people and especially women; and

Whereas, West Virginia suffragists worked for decades from the advent of statehood to 1920 to win the vote for women in West Virginia and expand the democratic participation in society of women; and

Whereas, The accomplishments and contributions of women have not been fully recognized in West Virginia; and

Whereas, Their sacrifices for a long, persistent, and heroic struggle are not well-known; and

Whereas, The beautiful grounds of our State Capitol would be a proper place to honor women's struggle for their rights including the right to vote; and

Whereas, It is fitting that a permanent memorial be established to honor the lives and work of West Virginia suffragists; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance recognize the historical legacy of West Virginia suffragists through the creation of the West Virginia Women's Suffrage Memorial, to be located on the Capitol grounds as a permanent reminder of the impact of the suffragists on West Virginia's past, present, and future; and, be it

Further resolved, That the West Virginia Governor shall establish a nine-member commission called the Suffragist Memorial Committee. The committee shall be composed of: One member of the Senate; one member of the House of Delegates; one representative of the Governor's office; one representative from the Office of the Secretary of State; one representative of the League of Women Voters; one representative of the Kanawha Valley National Organization for Women; one member of the WVU

Women's Studies Program; one member of the Marshall University Women's Studies Program; and one representative of the West Virginia Division of Culture and History; and, be it

Further resolved, That the work of the committee will be staffed by the West Virginia Women's Commission to provide administrative support to organize meetings and record minutes of all meetings; and, be it

Further resolved, That meetings will begin in July of 2021 and meet monthly until December 31, 2021. During this time, the committee will consult with the public about the project, research the suffragists active in getting the vote ratified in West Virginia, and choose one prominent suffragist to be honored; and, be it

Further Resolved, That beginning in January 2022, the committee shall consult on cost of the project, begin to solicit funds, and ultimately solicit proposals for creation of a memorial on the Capitol grounds upon approval of the Capitol Grounds Building Authority; and, be it

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

Which, under the rules, lies over one day.

Senator Hamilton offered the following resolution:

Senate Concurrent Resolution 15—Requesting the United States Army Corps of Engineers to extend that certain leases between the United States Army Corps of Engineers and the County Commission of Nicholas County, West Virginia, on behalf of the Nicholas County Airport Authority.

Whereas, The core mission of the United States Army Corps of Engineers is dedicated to strengthening our nation's security by building and maintaining infrastructure, researching, and developing technology, promoting stability, and improving quality of life; and

Whereas, West Virginia has recently made efforts to revitalize and develop new and existing tourism and commerce industries of the state, including educational, recreational, and economic, and military opportunities and development; and

Whereas, Extending certain leases between the United States Army Corps of Engineers and the Nicholas County Airport Authority, will permit the Nicholas County Airport Authority to manage and maintain facilities located at the Summersville Airport, would facilitate the development of educational, recreational, economic, and military-related opportunities in West Virginia, including, but not limited to, tourism of Summersville Lake, New River Gorge National Park and Preserve, and the surrounding area; development of new flight instruction programs; relocation of existing flight instruction programs; development and relocation of new or existing medical air transport companies; development of charter and air taxi services; sales, service, repair, and storage of aircraft; facilitation of activities related to the Summit Bechtel Reserve National Scout Camp and Young Life summer programs; therefore, be it

Resolved by the Legislature of West Virginia:

That the United States Army Corps of Engineers to extend that certain leases between the United States Army Corps of Engineers and the County Commission of Nicholas County, West Virginia, on behalf of the Nicholas County Airport Authority; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the United States Army Corps of Engineers.

Which, under the rules, lies over one day.

Senators Romano, Martin, and Weld offered the following resolution:

Senate Resolution 13—Recognizing Benjamin Portaro, decorated combat veteran of the United States Army in World War II and centenarian.

Whereas, Benjamin “Ben” Portaro was born in Caulonia, Italy, and settled with his family in Anmoore, Harrison County, West Virginia, at the age of three; and

Whereas, Benjamin Portaro started school, learned English, and helped his parents with their new language while enjoying a great childhood and learning his life-long love of gardening from his father; and

Whereas, As a young man, Benjamin Portaro worked for the H. H. Robertson Company performing contract construction work at the Carbon Plant in Anmoore, where he quickly became a supervisor; and

Whereas, In 1943, Benjamin Portaro entered the United States Army, attaining the rank of staff sergeant, and serving on the front lines of the Battle of the Bulge in Luxembourg, where he was wounded but continued to fight; and

Whereas, On January 2, 1945, Benjamin Portaro was captured as a prisoner of war by the Nazis along with fellow soldiers of the 26th Infantry Division and forced to walk many miles to the German prison camp Stalag 12A, while being forced to bury the bodies of villagers who had been killed in bombings and attacks along the way; and

Whereas, During a forced march on April 8, 1945, Benjamin Portaro and a fellow prisoner made a daring escape after dark and hid from their German captors until they were rescued by the U.S Army three days later; and

Whereas, Benjamin Portaro was honorably discharged from the United States Army on October 13, 1945, and for his service was awarded the Bronze Star, the Purple Heart Medal, the Prisoner of War Medal, the Good Conduct Medal, the American Campaign Medal, the European-African-Middle Eastern Campaign Medal with two campaign stars, the World War II Victory Medal, the Combat Infantryman Badge 1st Award, the WW II Honorable

Service Lapel Pin Button, and the Marksmanship Badge with Rifle Bar; and

Whereas, After the war, Benjamin Portaro and his wife Claire, to whom he was married for 69 years prior to her passing in 2011, raised their seven children in a home he built in Clarksburg, which features a large garden with tomatoes grown from seeds he brought from Italy; and

Whereas, Benjamin Portaro is a member of St. James Catholic Church, past commander of the West Virginia Department of the American Ex-Prisoners of War, past commander of the Barbed-Wire Mountaineer Chapter of the American Ex-Prisoners of War, a life member of the Veterans of Foreign Wars, the Disabled American Veterans, and the Fairmont Knights of Columbus; and

Whereas, Benjamin Portaro is the last surviving member of the West Virginia Italian Heritage Festival's Honorary Council who was born in Italy; and

Whereas, Benjamin Portaro will celebrate his 100th birthday on March 8, 2021; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Benjamin Portaro, decorated combat veteran of the United States Army in World War II and centenarian; and, be it

Further Resolved, That the Senate sends its best wishes to Benjamin Portaro on his 100th birthday and extends it most sincere gratitude and appreciation for his service to his state and country; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Benjamin Portaro.

Which, under the rules, lies over one day.

Senator Beach offered the following resolution:

Senate Resolution 14—Designating March 8, 2021, as Pierpont Community and Technical College Day at the Legislature.

Whereas, The State of West Virginia is committed to supporting higher education; and

Whereas, West Virginia’s colleges and universities open the doors of opportunity for West Virginia students; and

Whereas, Pierpont Community and Technical College serves West Virginians by helping achieve their education and career goals, and meets the vast workforce needs of West Virginia, particularly in their 13-county region; and

Whereas, Pierpont Community and Technical College provides an environment that is comfortable for first time college students, and touches students that would normally not attend college; and

Whereas, Pierpont Community and Technical College offers classes that are able to work with all kinds of students, whether it be people who work full time and attend classes at night, or people who only attend classes during the daytime; and

Whereas, Pierpont Community and Technical College was recognized as the number one community college in West Virginia by Stacker.com from Tulsa, Oklahoma, for four years in a row; and

Whereas, Pierpont Community and Technical College was recognized as one of the best places to work by NI SOD and the Ohio State University, ranked from 1,105 community colleges; and

Whereas, The culinary program at Pierpont Community and Technical College is rated in the top 4 community colleges out of 1,105 schools, and their veterinary technician program is rated top 40 in the country out 1,105 schools; and

Whereas, Pierpont Community and Technical College is the only community college to receive the Black Diamond award from the West Virginia Chamber of Commerce; and

Whereas, Pierpont Community and Technical College has developed 16 “2+2” programs with schools such as Glenville State, Alderson Broaddus, Wesleyan, West Virginia University, and others; and

Whereas, Pierpont Community and Technical College currently leads in West Virginia Invest Grant use, attesting to the quality and value of the education you can receive at Pierpont Community and Technical College; and

Whereas, Pierpont Community and Technical College is highly accredited with 14 different accrediting bodies; and

Whereas, Pierpont Community and Technical College recently elected an interim president, Dr. Anthony Hancock, formerly the Vice Chancellor of the West Virginia Council for Community and Technical College Education; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 8, 2021, as Pierpont Community and Technical College Day at the Legislature; and, be it

Further Resolved, That the Senate extends its sincere gratitude and appreciation to Pierpont Community and Technical College for its contributions to the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the President of Pierpont Community and Technical College, Dr. Anthony Hancock.

Which, under the rules, lies over one day.

Senator Beach offered the following resolution:

Senate Resolution 15—Acknowledging the West Virginia Botanic Garden, Inc., as West Virginia’s first botanic garden.

Whereas, The West Virginia Botanic Garden, Inc., was founded as a non-profit corporation on December 13, 1983, by a group of volunteers in Monongalia County before finding a physical site for development; and

Whereas, On May 19, 1999, the City of Morgantown leased its 82 acres Tibbs Run Property, former site of the city's Tibbs Run Reservoir, to the West Virginia Botanic Garden, Inc. to begin active management and improvements; and

Whereas, The West Virginia Botanic Garden, Inc., has developed improvements through volunteerism, grassroots fundraising, and sweat equity to become a premier Mountain State tourism destination that travelers from across the United States and foreign nations have enjoyed, adding revenue to the local economy; and

Whereas, The West Virginia Botanic Garden, Inc., is home to a variety of habitats, such as unique and rare stands of virgin timber, vast wetland complexes, mixed hardwoods, and meadows—that are interpreted for public education and enjoyment; and

Whereas, The West Virginia Botanic Garden, Inc., accessions, cultivates, and interprets plant collections as a museum of plants; and

Whereas, The West Virginia Botanic Garden, Inc. hosts structured youth nature camps, public and private school groups, organized themed walks, workshops, seasonal events, farm-to-table dinners, concerts, outdoor theatre, and other activities; and

Whereas, The West Virginia Botanic Garden, Inc., is known as a place for public wellness through guided meditation and nature-based health activity; and

Whereas, The West Virginia Botanic Garden, Inc., is utilized without fees or formal partnerships for the sciences, arts, and business by interdisciplinary students at West Virginia University and other state institutions of higher education for research and

volunteerism, by science-based government entities such as the United States Department of Agriculture and West Virginia Department of Environmental Protection for training, and by businesses for science-based training such as wetland delineation and stream ecology; and

Whereas, The State of West Virginia is enhanced by the mission of the West Virginia Botanic Garden, Inc., which is to foster learning, inspiration, and well-being through the beauty and wonder of plants, the natural environment, and culturally enriching experiences; therefore, be it

Resolved by the Senate:

That the Senate hereby acknowledges the West Virginia Botanic Garden, Inc., as West Virginia's first botanic garden; and, be it

Further Resolved, That the Senate celebrates the great community, volunteer, scientific, and economic contributions of the West Virginia Botanic Garden, Inc.; and, be it

Further Resolved, That the Senate recognizes the West Virginia Botanic Garden, Inc., as West Virginia's flagship garden; and, be it

Further Resolved, That the Senate designates the Saturday before Mother's Day in 2021 as West Virginia Botanic Garden Day; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives from the West Virginia Department of Commerce and Office of Tourism.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 12, Applying to Congress to call convention to propose amendments allowing state legislatures to pass legislation overriding certain restrictive federal laws.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on the Judiciary.

Senate Concurrent Resolution 13, Urging Adjutant General to establish Honor Guard in each unit to perform military funeral honors.

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

At the request of Senator Woelfel, 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 the resolution, and on this question, Senator Woelfel demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. C. R. 13) adopted.

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Woelfel regarding the adoption of Senate Concurrent Resolution 13 were ordered printed in the Appendix to the Journal.

Senate Resolution 12, Memorializing life of John W. Small, Jr., WV's longest serving elected official and dedicated public servant.

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 368, Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 368) passed.

The following amendment to the title of the bill, from the Committee on Rules, was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 368—A Bill to amend and reenact §22-15-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-15A-1 of said code; to amend said code by adding thereto a new section, designated §22-15A-30; and to amend and reenact §22-16-4 and §22-16-12 of said code, all relating to the Department of Environmental Protection; shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities; providing for incremental increase in fees; allocating additional fee to county and regional solid waste authorities; setting out conditions and limitations for collection and use of the additional funding by county and regional solid waste authority;. authorizing the Department of Environmental Protection to develop the Reclamation of Abandoned and Dilapidated Properties Program to reclaim abandoned and dilapidated structures in order to improve West Virginia communities and to open new parcels for development; creating a special revenue fund; providing a statement of legislative findings and purpose and permitting the payment of excess money from the Solid Waste Facility Closure Cost Assistance Fund into the Reclamation of Abandoned and Dilapidated Properties Program Fund.

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

Eng. Senate Bill 381, Creating nonresident three-day fishing license.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings,

Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 381) passed with its title.

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

Eng. Com. Sub. for Senate Bill 434, Requiring training for law-enforcement officers responsible for investigating crimes of sexual assault.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 434) passed with its title.

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

Eng. Senate Bill 463, Consolidating position of Inspector General of former Workers' Compensation Fraud and Abuse Unit and position of Director of Insurance Fraud Unit.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 463) passed with its title.

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

Eng. Senate Bill 501, Continuing and indexing of license and stamp fees.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 501) passed with its title.

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

Eng. Senate Bill 537, Relating generally to kidnapping.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 537) 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 Com. Sub. for Senate Bill 294, Relating generally to savings and investment programs offered by state.

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

Senate Bill 305, Providing exemption from consumers sales and service tax for certain aircraft maintenance.

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

On motion of Senator Swope, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 15. CONSUMERS SALES AND SERVICE TAX.

§11-15-9t. Exemption for purchases of services and tangible personal property sold for the repair, remodeling, and maintenance of aircraft; defining terms.

(a) The following sales are exempt from the consumers sales and service tax: Sales of aircraft repair, remodeling, and maintenance services, or to an engine or other component part of an aircraft; sales of tangible personal property that is permanently affixed or permanently attached as a component part of an aircraft, as part of the repair, remodeling, or maintenance service; and sales of machinery, tools, or equipment directly used or consumed exclusively in the repair, remodeling, or maintenance of aircraft, aircraft engines, or aircraft component parts for an aircraft, or used exclusively in combination with the purposes specified in this subsection and the purposes specified in §11-15-9(a)(33) of this code.

(b) Any person having a right or claim to any exemption set forth in this section shall: First, pay to the vendor the tax imposed by this article and then apply to the Tax Commissioner for a refund or credit, or, as provided in §11-15-9d and §11-15A-3d of this code, give to the vendor his or her West Virginia direct pay permit number: *Provided*, That a person having a right or claim to the exemption set forth in this section may apply to the Tax Commissioner for permission to use an exemption certificate. Upon the granting of such permission, a person having a right or

claim to the exemption set forth in this section may, in lieu of paying the tax imposed by this article and filing a claim for refund, execute a certificate of exemption, in the form required by the Tax Commissioner, and deliver it to the vendor of the property or service in the manner required by the Tax Commissioner.

(c) The tax commissioner shall promulgate emergency rules and shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to establish eligibility requirements for the exemption established by this section.

(d) The provisions of this section shall apply to sales made on and after September 1, 2021.

Following discussion,

The question being on the adoption of Senator Swope's amendment to the bill, the same was put and prevailed.

The bill (S. B. 305), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 343, Authorizing DMV to process online driver's license or identification card change of address.

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 375, Relating to county boards of education policies for open enrollment.

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

Senate Bill 376, Removing obsolete provisions regarding DOH standards for studded tires and chains.

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

Senate Bill 390, Reorganizing Health Care Authority under DHHR and clarifying responsibilities for all-payer claims database.

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

Senate Bill 397, Relating to health care provider tax.

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

Senate Bill 404, Modifying well work permits issued by DEP Office of Oil and Gas.

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 421, Authorizing Workforce West Virginia to hire at-will employees.

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 429, Exempting Division of Emergency Management from Purchasing Division requirements for certain contracts.

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 435, Requiring county superintendents to authorize certain school principals or administrators at nonpublic schools to issue work permits for enrolled students.

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 439, Allowing use or nonuse of safety belt as admissible evidence in civil actions.

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 469, Permitting and establishing requirements for appearance by video for purpose of notarial acts.

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

Senate Bill 39, Prohibiting insurance coverage from requiring prior authorization for tests to stage cancer.

Com. Sub. for Senate Bill 334, Establishing license application process for harm reduction programs.

Com. Sub. for Com. Sub. for Senate Bill 339, Expanding types of agricultural operations that are protected from nuisance and other legal actions.

Com. Sub. for Senate Bill 344, Relating to credit for qualified rehabilitated buildings investment.

Com. Sub. for Senate Bill 370, Requiring certain documents that contain wage records be considered confidential.

Com. Sub. for Senate Bill 383, Relating to exempting certain organizations from property taxation.

Senate Bill 456, Relating to Natural Resources Police Officers Retirement System.

Com. Sub. for Senate Bill 460, Relating to Deputy Sheriff Retirement System Act.

And,

Senate Bill 467, Relating to WV Municipal Police Officers and Firefighters Retirement System.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on March 4, 2021:

Senate Bill 528: Senator Roberts.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on March 4, 2021:

Senate Bill 39: Senators Hamilton and Nelson;

Senate Bill 314: Senator Lindsay;

Senate Bill 344: Senators Maroney and Jeffries;

Senate Bill 388: Senator Stollings;

Senate Bill 391: Senator Stollings;

Senate Bill 445: Senator Hamilton;

Senate Bill 455: Senator Romano;

Senate Bill 464: Senator Hamilton;

Senate Bill 465: Senator Romano;

Senate Bill 470: Senator Romano;

- Senate Bill 474:** Senator Romano;
- Senate Bill 476:** Senator Romano;
- Senate Bill 477:** Senator Romano;
- Senate Bill 479:** Senator Romano;
- Senate Bill 480:** Senator Romano;
- Senate Bill 481:** Senator Romano;
- Senate Bill 484:** Senator Baldwin;
- Senate Bill 495:** Senators Romano and Baldwin;
- Senate Bill 498:** Senators Romano and Baldwin;
- Senate Bill 500:** Senator Romano;
- Senate Bill 502:** Senator Romano;
- Senate Bill 520:** Senators Grady and Romano;
- Senate Bill 528:** Senator Romano;
- Senate Bill 535:** Senator Romano;
- Senate Bill 539:** Senator Romano;
- Senate Bill 542:** Senator Caputo;
- Senate Bill 543:** Senator Romano;
- Senate Bill 550:** Senators Roberts and Romano;
- Senate Bill 551:** Senator Rucker;
- Senate Bill 559:** Senator Lindsay;
- Senate Joint Resolution 2:** Senator Romano;

Senate Joint Resolution 5: Senator Romano;

Senate Joint Resolution 6: Senators Hamilton and Romano;

Senate Joint Resolution 11: Senator Woelfel;

Senate Concurrent Resolution 10: Senator Woelfel;

Senate Concurrent Resolution 12: Senators Karnes, Phillips, and Sypolt;

And,

Senate Concurrent Resolution 13: Senators Baldwin, Ihlenfeld, Lindsay, Stollings, Phillips, and Romano.

Pending announcement of a meeting of a standing committee of the Senate, including a majority party caucus,

On motion of Senator Takubo, at 11:39 a.m., the Senate adjourned until Monday, March 8, 2021, at 11 a.m.

MONDAY, MARCH 8, 2021

The Senate met at 11:01 a.m.

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

Prayer was offered by the Honorable Amy N. Grady, a senator from the fourth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Jack David Woodrum, a senator from the tenth district.

Pending the reading of the Journal of Friday, March 5, 2021,

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 concurrence by that body in the passage of

Eng. Com. Sub. Senate Bill 345, Expanding alcohol test and lock program to include offenders with drug-related offense.

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

Eng. Senate Bill 358, Removing prohibition on ATMs located in area where racetrack video lottery machines are located.

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 2257—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-30, relating to extended supervision for certain drug offenders; establishing supervised release penalty of up to 10 years for certain drug offenders; establishing when period of supervised release begins; providing for supervision by multijudicial circuit probation officers; clarifying terms of supervised release same as those for probation; establishing a fee for supervised release; establishing that court may modify or revoke supervised release; providing court required probation officer provide written conditions; providing for supervised release following revocation; providing for delayed revocation.

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 2507—A Bill to repeal §29-22B-404 of the Code of West Virginia, 1931, as amended, and to amend and reenact §29-22B-702, §29-22B-706, and §29-22B-1201 of said Code, relating to removing certain limitations on advertising and promotional activities by the Lottery Commission, limited video lottery retailers and limited video lottery operators; removing requirements for notice and public hearing; and removing a required reduction of limited video lottery locations which was to take effect this year.

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 2621—A Bill to amend and reenact §15A-11-8 and §15A-11-9 of the Code of West Virginia, 1931, as amended, all relating to requirements of fire departments; requiring the Fire Officer 2 training to contain a component on current laws, rules and regulations governing the fire service; requiring the Firefighter 1 training to contain a section on the Fire Commission, Fire Marshal's Office and the operations of both; establishing a mandatory certification program for fire chiefs, or acting chiefs, of every fire department; requiring the Fire Commission propose emergency legislative rules and legislative rules to implement the certification process; setting forth the process of denial, suspension, or revocation of fire departments, chiefs, or acting chiefs, and the conditions under which the certification can be denied, suspended or revoked; allowing persons with specialized training to be members of volunteer fire departments

who are not certified as firefighters; limiting the actions of specialized members of fire departments who are not certified fire fighters; requiring the fire commission to propose emergency legislative rules and legislative rules to implement the process of allowing specialized members of departments; allowing the fire commission to propose emergency rules and legislative rules governing the activities of junior firefighters; requiring the fire Marshal to issue certificates to departments following a department evaluation, and requiring that the certificate of evaluation be posted at the fire department in a conspicuous place to be visible to members of the department and to members of the public.

Referred to the Committee on Government Organization.

Executive Communications

The Clerk then presented the following communication from His Excellency, the Governor, regarding bills approved by him:



Jim Justice
Governor of West Virginia

March 8, 2021

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

House Bill No. Two Thousand Nineteen (2019), which was presented to me on March 2, 2021.

You will note that I have approved this bill on March 8, 2021.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis

The Senate proceeded to the fourth order of business.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 5th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 2012), Relating to public charter schools.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Dean Jeffries,
Chair, House Committee.

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 314, Regulating pawnbrokers.

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

Com. Sub. for Senate Bill 314 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §47-26-1 and §47-26-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §47-26-2a, all relating generally to the regulation of pawnbrokers; defining terms; prohibiting pawnbrokers from doing business with certain persons; prohibiting pawnbrokers from purchasing certain items or transacting in certain items; creating misdemeanor offenses for certain acts; and increasing the penalties for existing criminal offenses related to pawnbrokers.

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:

By Senator Swope:

Senate Bill 587—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-62, relating to contract terms and conditions and the inability of government officials to agree with certain contract terms.

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

By Senator Azinger:

Senate Bill 588—A Bill to amend and reenact §18-9B-17, §18-9B-18, and §18-9B-19 of the Code of West Virginia, 1931, as amended, all relating to requiring county boards of education and county superintendents to comply with the instructions of the State Board of Education; expanding remedies that may be used to enforce certain orders of the State Board of School Finance when a county board of education fails or refuses to comply; expanding circumstances under which the State Board of School Finance can withhold payment of state aid from a county board; prohibiting county board of education members from being paid under certain circumstances of noncompliance with state law or State Board of Education policy; allowing the State Board of School Finance to require certain actions during periods of noncompliance; and requiring the State Board of School Finance to report certain

actions of enforcement against a county board to the State Board of Education at its next meeting.

Referred to the Committee on Education.

By Senator Trump:

Senate Bill 589—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-62-1, §16-62-2, and §16-62-3, all relating to authorizing the treatment of persistent symptoms of hypothyroidism as a similar but distinguishable disease from hypothyroidism; requiring insurers to provide coverage for care for persistent symptoms of hypothyroidism; and requiring the West Virginia Board of Medicine to notify all medical professionals of this legislation.

Referred to the Committee on Health and Human Resources.

By Senator Woelfel:

Senate Bill 590—A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, all relating to permitting medical marijuana to be prescribed in edible form; and removing the restrictions that prevent medical marijuana from being prescribed in edible form.

Referred to the Committee on Health and Human Resources.

By Senator Woelfel:

Senate Bill 591—A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to amending the penalty of simple possession of marijuana from a misdemeanor crime to a civil violation; and amending the penalties from those of a misdemeanor crime to a civil violation.

Referred to the Committee on the Judiciary.

By Senator Woelfel:

Senate Bill 592—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to permitting member private and parochial schools to enter into an agreement with member public schools to permit students of private and

parochial schools to participate in athletic and other extracurricular activities as a participant of the public school; defining terms; and providing eligibility criteria for students from member private and parochial schools.

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

By Senator Caputo:

Senate Bill 593—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-11G-1, relating to requiring exhibitors of motion pictures who operate two or more theatres in more than one location in this state to provide open captioning during at least two showings per week of each motion picture that is produced and offered with open captioning; and requiring, when requested, audio description be provided for any motion picture that is produced and offered with audio description.

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

By Senator Ihlenfeld:

Senate Bill 594—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-56, relating to pronouncing legislative findings necessitating the creation of a deferred retirement option program for the West Virginia State Police; providing definitions of certain terms; establishing eligibility requirements; establishing procedures to elect participation in the program; providing procedures concerning the retirement allowances accrual of interest; continuing normal compensation and personnel regulations for eligible members; providing for payment of the deferred retirement payment; and providing for resumption of retirement allowances after termination in the deferred retirement option program.

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

By Senator Rucker:

Senate Bill 595—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, relating to a ban of nonsurgical, chemical abortions in this state; prohibiting the manufacture, distribution, prescription, disbursement, sale, or transfer of the “abortion pill”, otherwise known as RU-486, Mifepristone, Mifegyne, or Mifeprex, or any substantially similar generic or nongeneric abortifacient drug in West Virginia; and creating a criminal penalty.

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

By Senator Romano:

Senate Bill 596—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-9-1, §12-9-2, and §12-9-3, all relating to creating the Corporate Anti-Subsidy Act; permitting West Virginia to enter into the Interstate Compact Agreement Prohibiting Company-Specific Subsidies; and setting a level playing field that would abolish the nationwide practice of company-specific subsidies that currently pits states against one another.

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

By Senator Caputo:

Senate Bill 597—A Bill to amend and reenact §3-8-1a and §3-8-9 of the Code of West Virginia, 1931, as amended, all relating to defining caregiving expenses; and providing for caregiving expenses to be given to candidates running for office in West Virginia.

Referred to the Committee on the Judiciary.

By Senator Plymale:

Senate Bill 598—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, §16-63-4, §16-63-5 and §16-63-6, 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; and then to the Committee on the Judiciary.

By Senator Ihlenfeld:

Senate Bill 599—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to increasing salaries for members of the West Virginia State Police.

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

Senators Stollings and Phillips offered the following resolution:

Senate Concurrent Resolution 16—Requesting the Division of Highways name a stretch of West Virginia Route 85 beginning at the southern end of Dunlap Brothers Road at Uneeda and ending one mile south near Quinland in Madison, West Virginia, as the “U.S.M.C. CPL Roger Lee Boothe Memorial Road”.

Whereas, Roger Lee Boothe was born in Logan county on August 20, 1947, and moved to Uneeda in Boone County at the age of three where he was raised; and

Whereas, Roger Lee Boothe graduated from Scott High School, and at age 18, he entered the U.S. Marine Corps; and

Whereas, While at Quang Tri, Vietnam, with only eight days left until his deployment home, the bunker where CPL Roger Lee Boothe was assigned was shelled. He was left paralyzed from the waist down; and

Whereas, When CPL Roger Lee Boothe returned home, he enrolled at the West Virginia Rehab Center to study accounting and played on their wheelchair basketball team; and

Whereas, Roger Lee Boothe went on to earn a chemistry degree from West Virginia State University, and then to West Virginia University, where he successfully completed their pharmacy program; and

Whereas, CPL Roger Lee Boothe then returned to Uneeda to help his mother, who was ill, and also opened a pharmacy there in 1976 to help his community; and

Whereas, CPL Roger Lee Boothe was always a guiding light for his community and never turned down the opportunity to help someone in need, whether it was loaning money for food or medicine, or just being there to listen when someone was going through a difficult time; and

Whereas, CPL Roger Lee Boothe always had an interest in sports, and he played basketball and baseball as a left-handed pitcher in high school; and

Whereas, Later, CPL Roger Lee Boothe played wheelchair basketball, participated in the Charleston Distance Run, and supported athletic teams in Madison and the surrounding areas; and

Whereas, CPL Roger Lee Boothe also became interested in flying, learned to fly ultralight planes, and even built his own airplane, where he customized it with hand controls; and

Whereas, CPL Roger Lee Boothe has selflessly helped several students get their college degrees and much more; and

Whereas, CPL Roger Lee Boothe was a very humble, private person, and he did not speak of his many outreach and assistance efforts on his own. This information was gathered by family and friends who love and appreciate him; and

Whereas, Sadly, on Sunday, August 11, 2019, CPL Roger Lee Boothe passed away. He was preceded in death by his parents, Bill and Mary (Green) Boothe; his brother, Ralph; his sister, RoseMary (Boothe) McCray; and nephew, Bill Church; and

Whereas, CPL Roger Lee Boothe is survived by his companion, and love of his life of 25 years, Nada Baldwin; his brother, Dale Boothe; sister, Rita Boothe Church; nieces, Wendy Miller, London Gibson, and Dee-Dee Seagraves; nephews, Tom, Jim, and Joe Boothe; a special friend, Brock Loftis; a special granddaughter, Brittany Baldwin; and a 12-year-old granddaughter, Azriella Baldwin; and

Whereas, It is fitting that an enduring memorial be established to commemorate CPL Roger Lee Boothe and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name a stretch of West Virginia Route 85 beginning at the southern end of Dunlap Brothers Road at Uneeda and ending one mile south near Quinland in Madison, West Virginia, as the “U.S.M.C. CPL Roger Lee Boothe Memorial Road”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the “U.S.M.C. CPL Roger Lee Boothe Memorial Road”; and, be it

Further Resolved, That the Clerk of 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 Phillips and Stollings offered the following resolution:

Senate Concurrent Resolution 17—Requesting the Division of Highways name bridge number 23-017/09-000.06 (23A054),

locally known as Clothier Box Beam, carrying CR 17/9 over Spruce Fork in Logan County, the “U.S.M.C. CAPT Dempsey Stowers Memorial Bridge”.

Whereas, Dempsey Stowers, a native of Bulger, West Virginia, was born September 7, 1941, and died February 23, 2020; and

Whereas, Dempsey Stowers proudly joined the United States Marine Corps in 1960. He served for as a signal intelligence/electronic warfare officer; and

Whereas, Dempsey Stowers retired from the U.S. Marine Corps after 23 years, earning the rank of captain; and

Whereas, CAPT Dempsey Stowers obtained numerous medals for his exceptional service, including the National Defense Medal, Armed Forces Expeditionary, Republic of Vietnam Campaign, Navy Union Citation, Navy Achievement Medal, Vietnam Service Medal with three stars, Meritorious Unit Commendation, Sea Service Deployment Ribbon, Navy Commendation Medal, Meritorious Service Medal, Republic of Vietnam Meritorious Unit Citation, and three letters of Commendations; and

Whereas, Upon retirement from his service, CAPT Dempsey Stowers returned home to West Virginia where he and his wife, Judy Stowers, raised their family, and

Whereas, CAPT Dempsey Stowers was active in his community and church, where he was widely known as a leader and exemplification of service; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S.M.C. CAPT Dempsey Stowers 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 23-017/09-000.06 (23A054), locally known as Clothier Box Beam, carrying CR 17/9 over Spruce Fork in Logan

County, the “U.S.M.C. CAPT Dempsey Stowers Memorial Bridge”.

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S.M.C. CAPT Dempsey Stowers 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.

Senator Maynard offered the following resolution:

Senate Concurrent Resolution 18—Requesting the Division of Highways name bridge number 50-152-5.70 (50A112), locally known as Missouri Branch Beam Span, carrying West Virginia Route 152 over the West Fork of Twelvepole Creek in Wayne County, the “Curtis ‘Pap’ and Millie ‘Mammie’ Asbury Memorial Bridge”.

Whereas, Curtis Asbury was born on September 24, 1917, in Wayne, West Virginia, and his devoted wife, Millie Ferguson, was born on April 24, 1924. They were married in 1939; and

Whereas, Curtis and Millie Asbury established, owned, and operated Asbury’s Grocery, located at the entrance to Cabwaylingo Park Road for 52 years. The grocery store became a vital resource for community members. For five decades, the store not only provided necessary food and other goods but was also a meeting place for community members to gather and discuss everything from politics to family life. The bus stop was outside and when the school children would go inside the store they would be met with a smile, a hug, and a piece of fruit or candy; and

Whereas, Almost every person in the community of Dunlow, West Virginia, has been touched by Curtis and Millie’s kindness and generosity. The love they both had for their community was

displayed by their hardworking, gentle, and giving spirits. They were devoted to making their small community a better place to live by always extending a helping hand, providing jobs, caring for the elderly, and encouraging and guiding the youth. They helped develop and organize their area by creating local churches, directing Sunday school classes, and working to fulfill the needs of the entire community. They treated everyone as their own family and were lovingly referred to as everyone's "Mammie" and "Pap"; and

Whereas, It is fitting that an enduring memorial be established to commemorate Curtis and Millie Asbury and their contributions to their community and our state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 50-152-5.70 (50A112), locally known as Missouri Branch Beam Span, carrying West Virginia Route 152 over the West Fork of Twelvepole Creek, in Wayne County, the "Curtis 'Pap' and Mille 'Mammie' Asbury 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 "Curtis 'Pap' and Mille 'Mammie' Asbury 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.

Senator Clements offered the following resolution:

Senate Resolution 16—Amending Senate Rule 14 relating to the introduction and adoption of concurrent resolutions.

Resolved by the Senate:

That Senate Rule 14 be amended as follows:

No Senate bill, other than a Senate supplementary appropriation bill, and no Senate joint resolution shall be introduced in the Senate after the forty-first day of a regular session unless permission to introduce the bill or the joint resolution be given by a Senate resolution, setting out the title to the bill or the joint resolution and adopted by two-thirds vote of the members present. When permission is requested to introduce a bill or joint resolution under the provisions of this rule, duplicate copies of the bill or the joint resolution shall accompany the resolution when introduced and all such bills or joint resolutions shall be filed electronically with the Clerk's office.

Standing and select committees of the Senate may originate a bill or joint resolution and report the same after the forty-first day.

No Senate concurrent resolution requesting the naming of transportation infrastructure shall be introduced from the floor at any time or introduced in the Senate after the forty-first day. No concurrent resolution requesting the naming of transportation infrastructure may be adopted by the Senate after the fifty-fifth day.

The forty-first day of the regular session held in the year one thousand nine hundred seventy-seven and every fourth year thereafter shall be computed from and include the second Wednesday of February of such years.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 14, Creating WV Women's Suffrage Memorial.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Government Organization.

Senate Concurrent Resolution 15, Extending certain leases between US Army Corps of Engineers and Nicholas County Airport Authority.

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

At the request of Senator Hamilton, 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 the resolution, the same was put and prevailed.

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

Senate Resolution 13, Recognizing Benjamin Portaro, decorated US Army combat veteran and centenarian.

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

At the request of Senator Romano, 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 the resolution, and on this question, Senator Caputo demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 13) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Romano and Weld regarding the adoption of Senate Resolution 13 were ordered printed in the Appendix to the Journal.

Senate Resolution 14, Pierpont Community and Technical College Day.

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

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Beach, Caputo, Rucker, and Romano regarding the adoption of Senate Resolution 14 were ordered printed in the Appendix to the Journal.

Senate Resolution 15, Acknowledging WV Botanic Garden, Inc.

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

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Beach regarding the adoption of Senate Resolution 15 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 294, Relating generally to savings and investment programs offered by state.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 294) passed with its title.

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

Eng. Senate Bill 305, Providing exemption from consumers sales and service tax for certain aircraft maintenance.

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, Boley, Caputo, Clements, Grady, Hamilton, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Ihlenfeld and Jeffries—2.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 305) passed.

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

Eng. Senate Bill 305—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9t, relating to providing an exemption from the consumers sales and service tax for purchases of certain services and tangible personal property sold for the repair, remodeling, and maintenance of aircraft; defining terms; specifying a method for claiming exemption; authorizing emergency rules and promulgation of legislative rules; and establishing the effective date of the section.

Senator Takubo moved that the bill take effect September 1, 2021.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Ihlenfeld and Jeffries—2.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 305) takes effect September 1, 2021.

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 343, Authorizing DMV to process online driver's license or identification card change of address.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 343) passed with its title.

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

Eng. Com. Sub. for Senate Bill 375, Relating to county boards of education policies for open enrollment.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 375) passed with its title.

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

Eng. Senate Bill 376, Removing obsolete provisions regarding DOH standards for studded tires and chains.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 376) passed with its title.

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

Eng. Senate Bill 390, Reorganizing Health Care Authority under DHHR and clarifying responsibilities for all-payer claims database.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 390) passed with its title.

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

Eng. Senate Bill 397, Relating to health care provider tax.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 397) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 397) takes effect from passage.

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

Eng. Senate Bill 404, Modifying well work permits issued by DEP Office of Oil and Gas.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 404) passed with its title.

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

Eng. Com. Sub. for Senate Bill 421, Authorizing Workforce West Virginia to hire at-will employees.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 421) passed with its title.

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

Eng. Com. Sub. for Senate Bill 429, Exempting Division of Emergency Management from Purchasing Division requirements for certain contracts.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 429) passed with its title.

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

Eng. Com. Sub. for Senate Bill 435, Requiring county superintendents to authorize certain school principals or administrators at nonpublic schools to issue work permits for enrolled students.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 435) passed with its title.

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

Eng. Com. Sub. for Senate Bill 439, Allowing use or nonuse of safety belt as admissible evidence in civil actions.

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

At the request of Senator Trump, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for Senate Bill 469, Permitting and establishing requirements for appearance by video for purpose of notarial acts.

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 469 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 469) 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.

Senate Bill 39, Prohibiting insurance coverage from requiring prior authorization for tests to stage cancer.

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 334, Establishing license application process for needle exchange programs.

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

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Com. Sub. for Com. Sub. for Senate Bill 339, Expanding types of agricultural operations that are protected from nuisance and other legal actions.

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 344, Relating to credit for qualified rehabilitated buildings investment.

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 370, Requiring certain documents that contain wage records be considered confidential.

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 383, Relating to exempting certain organizations from property taxation.

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

Senate Bill 456, Relating to Natural Resources Police Officers Retirement System.

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 460, Relating to Deputy Sheriff Retirement System Act.

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

Senate Bill 467, Relating to WV Municipal Police Officers and Firefighters Retirement System.

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.

Com. Sub. for Senate Bill 466, Relating generally to appraisal management companies.

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

Com. Sub. for Senate Bill 475, Dedicating certain fees collected by agencies and licensing boards to General Revenue Fund.

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

Com. Sub. for Senate Bill 498, Amending definition of “sexual contact”.

On first reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was rereferred to the Committee on the Judiciary.

Com. Sub. for Senate Bill 517, Relating to sunset provisions of legislative rules.

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

Eng. Com. Sub. for House Bill 2001, Relating generally to creating the West Virginia Jumpstart Savings Program.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Caputo, Ihlenfeld, Lindsay, and Beach.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on March 5, 2021:

Senate Bill 378: Senator Grady;

Senate Bill 497: Senator Lindsay;

Senate Bill 498: Senator Lindsay;

Senate Bill 515: Senator Lindsay;

Senate Bill 516: Senator Lindsay;

Senate Bill 520: Senator Lindsay;

Senate Bill 535: Senator Lindsay;

Senate Bill 543: Senator Lindsay;

Senate Bill 561: Senators Ihlenfeld and Baldwin;

Senate Bill 563: Senator Karnes;

Senate Bill 564: Senators Woelfel and Baldwin;

Senate Bill 567: Senators Beach and Lindsay;

Senate Bill 568: Senator Karnes;

Senate Bill 570: Senator Karnes;

Senate Bill 571: Senator Woelfel;

Senate Bill 575: Senators Beach, Caputo, and Jeffries;

Senate Bill 576: Senators Woelfel and Grady;

Senate Bill 577: Senators Roberts and Jeffries;

Senate Bill 578: Senator Lindsay;

Senate Bill 579: Senators Baldwin, Caputo, Lindsay, and Jeffries;

Senate Bill 580: Senators Lindsay and Jeffries;

Senate Bill 581: Senators Baldwin, Lindsay, and Jeffries;

Senate Bill 582: Senator Lindsay;

Senate Bill 583: Senators Beach, Lindsay, and Rucker;

Senate Bill 584: Senator Lindsay;

Senate Bill 585: Senator Lindsay;

Senate Bill 586: Senators Stollings, Caputo, Lindsay, Ihlenfeld, and Jeffries;

Senate Concurrent Resolution 14: Senators Grady, Plymale, Sypolt, Hamilton, and Maroney;

Senate Concurrent Resolution 15: Senator Lindsay;

Senate Resolution 13: Senators Stollings, Lindsay, Jeffries, and Maroney;

Senate Resolution 14: Senators Stollings, Woelfel, Caputo, Lindsay, Rucker, Martin, and Romano;

And,

Senate Resolution 15: Senators Stollings, Caputo, and Lindsay.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:21 p.m., the Senate adjourned until tomorrow, Tuesday, March 9, 2021, at 11 a.m.

TUESDAY, MARCH 9, 2021

The Senate met at 11 a.m.

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

Prayer was offered by the Honorable Mark R. Maynard, a senator from the sixth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Donna J. Boley, a senator from the third district.

Pending the reading of the Journal of Monday, March 8, 2021,

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

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

The Clerk presented the following communications from various state agencies as required by the provisions of law:

Lottery Commission (§29-22-20)

Sanitarians, Board of (§30-1-12)

The Senate proceeded to the third order of business.

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

Eng. Com. Sub. for Senate Bill 280, Relating to e-commerce modernization.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 372, Providing greater discretion to WV Board of Medicine to approve graduate clinical training.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 2, line 25, by removing “substantially equivalent” and inserting “similar”;

And,

On page 3, line 56, “substantially equivalent” and inserting “similar”;

And,

On page 6, after line 126 by inserting the following:

“§30-3-11. Endorsement of licenses to practice medicine and surgery and podiatry; fees; temporary license; summer camp doctors.

(a) (1) Any person seeking to be licensed to practice medicine and surgery in this state who holds a valid license to practice medicine and surgery attained under requirements ~~substantially~~ similar to the requirement of section ten of this article from another state, the District of Columbia, the Commonwealth of Puerto Rico or Canada; ~~and~~ or

(2) Any person seeking to be licensed to practice podiatry in this state who holds a valid license to practice podiatry attained under requirements ~~substantially~~ similar to the requirements in section ten of this article from another state, ~~territory or foreign country or the District of Columbia~~ jurisdiction shall be issued a license to practice ~~medicine and surgery or~~ podiatry, as appropriate, in this state if he or she meets the following requirements:

(1) (A) He or she must submit an application to the board on forms provided by the board and remit a ~~reasonable~~ licensure fee, ~~the amount of such reasonable fee to be set by the board as provided in legislative rule.~~ The application must, as a minimum, require a statement that the applicant is a licensed physician or podiatrist in good standing and indicate whether any medical disciplinary action has been taken against him or her in the past; and

(2) (B) He or she must demonstrate to the satisfaction of the board that he or she has the requisite qualifications to provide the

same standard of care as a physician or podiatrist initially licensed in this state.

(b) The board may investigate the applicant and may request a personal interview to review the applicant's qualifications and professional credentials.

(c) The board may ~~at its discretion~~, grant a temporary license to an individual applying for licensure under this section if the individual meets the requirements of ~~subdivision (1), subsection (a) of this section~~ of this section. Such A temporary license issued by the board authorizes the holder to practice medicine and surgery or podiatry in West Virginia for the term of the temporary license, and includes full prescriptive authority. The temporary license shall only be is valid until its holder has either been granted or denied a license at the next regular meeting of the board. until the board is able to meet and consider the endorsement request The board may fix and collect a reasonable fee for a temporary license, ~~the amount of such reasonable fee to be set by the board as provided in legislative rule.~~

(d) The application fee shall be waived, and to the extent consistent with the integrity of the licensure process and the requirements for licensure as set forth in this section and in the relevant legislative rules, the board shall expedite its processing of an individual's application to practice medicine and surgery, or practice podiatry: *Provided*, That the sole purpose for licensure is to provide services at a children's summer camp for not more than one specifically designated three week period annually. The license shall be issued for a period of the specifically designated three weeks only, on an annual basis.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 372—A Bill to amend and reenact §30-3-10 and §30-3-11 of the Code of West Virginia, 1931, as amended, all

relating to the practice of medicine; establishing criteria for graduate clinical training; updating terminology; updating rulemaking authority; and clarifying authority conferred by a temporary permit.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 372, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 372) passed with its House of Delegates amended title.

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

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 2024—A Bill to repeal §30-3-13a and §30-14-12d of the Code of West Virginia, 1931, as amended; to amend and reenact §30-1-26 of said code; all relating to telehealth services; defining terms; establishing a registration; permitting health care practitioners licensed in other states, in good standing, to practice in West Virginia using telehealth services; providing emergency rulemaking authority; setting forth

requirements for registration; permitting a fee for registration; placing a cap on the fee; permitting physician-patient relationship to begin with an audio-only call or conversation in real time; requiring a registrant to report certain information to the board; and clarifying that a registrant is subject to the laws of this state.

Referred to the Committee on Health and Human Resources.

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 2221—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-60-1, §33-60-2, §33-60-3, §33-60-4, §33-60-5, §33-60-6, §33-60-7, §33-60-8, §33-60-9, and §33-60-10 all relating to the establishment of an insurance innovation process; defining terms; setting forth application requirements; prohibiting certain persons from applying; providing for the acceptance or rejection of the application by the Insurance Commissioner; requiring that the Insurance Commissioner set forth certain terms and conditions that will govern a proposed insurance innovation; providing that the Insurance Commissioner issue a limited no-action letter that establishes a safe harbor under which the commissioner will not take administrative or regulatory action against a participant or client of the participant; establishing the time period of the safe harbor and for the extension thereof; setting forth the requirements that a participant must adhere to during the safe harbor period; providing for penalties regarding violations of the terms contained in a limited no-action letter; providing the right to an administrative hearing; setting forth the criteria for the Insurance Commissioner to issue an extended no-action letter; providing for what the extended no-action letter must contain; requiring that documents and other information submitted to the Insurance Commissioner in relation to the insurance innovation be confidential and privileged; allowing the Insurance Commissioner to disclose in the extended no-action letter any information necessary to clearly establish the safe harbor; requiring the Insurance Commissioner to provide reports to the Joint Committee

on Banking and Insurance regarding the activities pertaining to insurance innovation applications; allowing the Insurance Commissioner to enter into reciprocity agreements with state, federal, or foreign regulatory agencies; and allowing for rulemaking.

Referred to the Committee on Banking and Insurance; and then 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 2335—A Bill to amend and reenact §17C-5-1 and §17C-5-2 of the Code of West Virginia, 1931, as amended relating to increasing the penalty for DUI causing death when a child is present in the vehicle at the time of the accident and relating to increasing the minimum criminal penalty for a driver who, in an impaired state, causes the death of a minor.

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 2363—A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto five new sections, designated §48-1-217a, §48-1-239a, §48-1-241a, §48-1-241b, and §48-9-204a; to amend and reenact §48-1-210, §48-1-218, §48-1-219, §48-1-220, §48-1-239, §48-1-241, §48-1-303, §48-9-101, §48-9-102, §48-9-201, §48-9-203, §48-9-204, §48-9-206, §48-9-207, §48-9-208, §48-9-209, §48-9-301, §48-9-401, §48-9-402, §48-9-403, §48-9-601, §48-9-602 and §48-9-603 of said code, all relating generally to the public policy recognition and preservation of the fundamental constitutional rights of all parents to raise their own children and that it is presumptively in the best interest of children to be raised by both of their parents

equally; creating the “Best Interests of the Child Protection Act of 2021”; defining “Full adversarial judicial hearing”, “shared legal custody”, “shared physical custody”, and “sole physical custody”; establishing the presumption that co-equal shared legal and physical custody of children, and the maintaining of sibling, including half-sibling, relationships through co-equal shared legal and physical custody of children in cases of divorce to be in the best interests of the children and families; requiring that temporary parenting plans, parenting plans, modifications to parenting plans and parental relocations consider that the presumption of co-equal shared legal and physical custody is in the best interests of a child; requiring courts to consider such presumption of co-equal shared legal and physical custody being in the best interests of a child when determining significant parental decision making responsibility, legal and physical custody and parenting time allocation; establishing certain procedural safeguards in the judicial review and allocation of parenting plans; establishing both parents’ rights to school and medical records of their children; providing parents in a shared parenting plan each have the authority to make a child’s health care decisions, delineating relevant factors to be considered by Courts in determining the structure of a shared parenting plan; providing certain exceptions to the confidentiality of domestic relations court files; providing certain findings; creating rebuttable presumption that equal custody generally is in the best interest of a child; providing additional criteria to be consulted in temporary parenting plans; requiring the adoption of model parenting schedules; delineating factors for allocation of custodial responsibility and significant decision-making responsibility; providing for sibling contact in criteria for parenting plans; providing added limiting factors in parenting plans; providing additional criteria for court-ordered investigations; providing additional criteria for modifications in changed circumstances; providing additional criteria for consideration when a parent relocates; providing additional criteria for parental rights to access children’s records; and providing effective dates.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 2701—A Bill to amend and reenact §17B-2B-1, §17B-2B-2, §17B-2B-4 and §17B-2B-6 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Rehabilitation Services to approve acceptable training programs required for low vision individuals to obtain a Class G driver's license.

Referred to the Committee on Transportation and Infrastructure.

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 2709—A Bill to amend and reenact §31A-8G-4 of the Code of West Virginia, 1931, as amended, relating to the aggregate liability of a surety on a consumer protection bond under the West Virginia Fintech Regulatory Sandbox Program.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 2764—A Bill to amend and reenact §31A-8G-3 of the Code of West Virginia, 1931, as amended, relating to allowing the Division of Financial Institutions enter into agreements with state, federal or foreign regulatory agencies to allow persons who make an innovative financial product or service available in West Virginia, under the program available under the West Virginia FinTech Regulatory Sandbox Act, to make their products or services available in other jurisdictions and to allow persons operating in similar regulatory sandboxes in other jurisdictions to make innovative financial products and services

available in West Virginia under the standards provided in the West Virginia FinTech Regulatory Sandbox Act.

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 2765—A Bill to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended, relating to allowing emergency management and operations' vehicles operated by airports to use red flashing warning lights.

Referred to the Committee on Transportation and Infrastructure.

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 2905—A Bill to repeal §61-10-21 of the Code of West Virginia, 1931, as amended, relating to repealing the prohibition against the use of certain words.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 303, Creating Local Government Labor and Consumer Marketing Regulatory Limitation Act.

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

Com. Sub. for Senate Bill 303 (originating in the Committee on the Judiciary)—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 areas in which political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement; establishing a civil cause of action which, if proven in a court of competent jurisdiction, may permit a person to obtain 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 the act is void; and providing that the prohibitions do not apply to employees of a political subdivision.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 398, Relating to moratorium on PEIA coverage with exceptions.

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

Com. Sub. for Senate Bill 398 (originating in the Committee on Banking and Insurance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-29, relating to limiting employer eligibility for participation in plans by the Public Employees Insurance Agency.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Michael T. Azinger,
Chair.

The bill (Com. Sub. for S. B. 398), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Senate Bill 437, Extending contingent increase of tax rate on certain eligible acute care hospitals.

And,

Senate Bill 494, Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 493, Issuing license suspensions to insurance producers and adjusters who fail to meet CE requirements.

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

Com. Sub. for Senate Bill 493 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §33-12-8 and §33-12-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-12B-13 and §33-12B-14 of said code, all relating to the issuance of license suspensions to insurance producers and insurance adjusters who failed to meet continuing education requirements and contact information; replacing the requirement that the Insurance Commissioner send notice of license suspensions by certified mail with a requirement that notice be sent by electronic mail or regular mail; requiring that insurance producers and insurance adjusters report electronic mail addresses and contact information to the Insurance Commissioner; and requiring the Insurance Commissioner to maintain certain information.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael T. Azinger,
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 496, Relating to punishment for second or third degree felony.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Hamilton, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 514, Providing criteria for Natural Resource Commission appointment and compensation.

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

Com. Sub. for Senate Bill 514 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-1-16 of the Code of West Virginia, 1931, as amended, relating to the Natural Resources Commission; providing for the composition and membership of the commission; providing criteria and qualifications for the appointment of commissioners; and providing for reimbursement of expenses for commissioners.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Bill Hamilton,
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

Eng. House Joint Resolution 2, Providing that courts have no authority or jurisdiction to intercede or intervene in, or interfere with, any impeachment proceedings of the House of Delegates or the Senate.

And reports the same back with the recommendation that it be adopted; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the consideration of

Eng. Senate Bill 372, Providing greater discretion to WV Board of Medicine to approve graduate clinical training.

Passed by the Senate in earlier proceedings today,

The bill still being in the possession of the Senate,

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale,

Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 372) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence in the changed effective date.

The Senate proceeded to the sixth order of business.

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

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 600—A Bill to amend and reenact §11-13A-3 and §11-13A-3a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-13A-3f; to amend and reenact §11-15-2, §11-15-3, §11-15-8, §11-15-9, and §11-15-9h of said code; to amend and reenact §11-15A-2 of said code; to amend and reenact §11-16-13 of said code; to amend and reenact §11-17-3 and §11-17-4b of said code; to amend said code by adding thereto a new article, designated §11-18-1, §11-18-2, §11-18-3, §11-18-4, §11-18-5, §11-18-6, §11-18-7, and §11-18-8; to amend and reenact §11-19-2 of said code; to amend and reenact §11-21-77 of said code; to amend said code by adding thereto two new sections, designated §11-21-4g and §11-21-25; to amend and reenact §60-3A-17 of said code; and to amend and reenact §60-8-4 of said code, all relating to optimizing economic efficiency and revenue efficiency of the West Virginia tax structure, across multiple facets of the tax system, and to modernize

state taxation to reflect best practices, and standards for an integrated tax system; relating to the severance tax imposed on the privilege of severing coal, oil, natural gas and natural gas liquids, for sale, profit, or commercial use; specifying classifications of certain natural resources; specifying tiered rates for certain classifications of natural resources; imposing tax on natural gas liquids; specifying tax rate on severance of natural gas liquids; increasing the excise tax on bottled soft drinks and dry mixtures; changing the rate of the consumers sales and service tax and use tax; relating to the imposition of the consumers sales and service and the use tax upon the provision of professional services; exempting from tax the provision of professional medical services and professional veterinary services; relating to the imposition of the consumers sales and service and use tax on advertising services, lottery tickets, electronic data processing, personalized fitness services, and certain high technology services and equipment; relating to increasing the rate of the beer barrel tax; relating to increasing the excise tax on cigarettes, other tobacco products, and e-cigarette liquid; relating to imposition of a tax on luxury items sold, used, or delivered into West Virginia; imposing tax on certain luxury items; specifying rates; specifying aggregation of sales; specifying incidence of tax; specifying economic nexus; specifying tax in addition to other taxes; specifying tax returns and payment and combined return; specifying application of West Virginia Tax Procedure and Administration Act; specifying application of West Virginia Tax Crimes and Penalties Act; providing an increase in the rate of the wine liter tax; reducing the personal income tax rates on nonbusiness income beginning after December 31, 2021; similar rate reductions are provided for married taxpayers filing separately; providing for separate rates, modifications, credits, and method for calculation personal income tax for certain types of unearned and business income; providing a tax credit for low income households to offset the sales tax increase; providing for early payment of the credit; setting a minimum wholesale markup percentage for liquor sales; making technical corrections; specifying effective dates; authorizing promulgation of rules; and defining terms.

Referred to the Committee on Finance.

By Senator Rucker:

Senate Bill 601—A Bill to amend and reenact §6C-2-3 and §6C-2-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6C-3-1 of said code, all relating to West Virginia public employee grievance procedure; requiring a notarized grievance form; outlining the grievance motion to dismiss procedure; providing for the payment of attorney's fees; and providing requirements for West Virginia Public Employees Grievance Board appointees.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 602—A Bill to amend and reenact §17-2A-2 of the Code of West Virginia, 1931, as amended, relating to removing the residency requirement for the Commissioner of the Division of Highways.

Referred to the Committee on Transportation and Infrastructure.

By Senator Maroney:

Senate Bill 603—A Bill to amend and reenact §29-22D-2, §29-22D-3, §29-22D-4, §29-22D-6, §29-22D-17, and §29-22D-22 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §29-22D-15a; to amend and reenact §29-22E-2, §29-22E-3, §29-22E-4, §29-22E-6, §29-22E-17, and §29-22E-22 of said code; and to amend said code by adding thereto a new section, designated §29-22E-15a, all relating to permitting wagering on the results of certain professional or collegiate sports or athletic events and other events authorized as West Virginia Lottery sports wagering activities; permitting wagering on interactive games authorized as West Virginia Lottery interactive wagering activities; providing legislative findings; defining terms; prescribing commission duties and powers; establishing license requirements and prohibitions; authorizing new market entrants; creating the West Virginia Lottery Sports Wagering Fund; creating the West Virginia Lottery

Interactive Wagering Fund; and preempting this article from state and local law.

Referred to the Committee on Finance.

By Senator Lindsay:

Senate Bill 604—A Bill to amend and reenact §24-6-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §24A-2-2b of said code, all relating to emergency towing services; requiring county commissions to create districts whereby towing services within a district may be dispatched or implement a policy whereby all available towing services within an area currently served by an organization are dispatched on a rotating basis; and defining a term.

Referred to the Committee on Government Organization.

By Senator Phillips:

Senate Bill 605—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, §11-29-3, §11-29-4, and §11-29-5, all relating to the promulgation of a tax on digital advertisement in the State of West Virginia; defining terms; providing for a tax on gross revenue of digital advertising in the state; establishing gross revenue tax rates digital advertising; establishing digital advertising tax return procedure; and establishing procedure for the payment of the gross revenue digital advertising tax.

Referred to the Committee on Finance.

By Senator Stollings:

Senate Bill 606—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, §16-63-4, and §16-63-5, all relating to access to nonpublic restrooms by individuals with certain medical conditions and under specified circumstances; and providing criminal penalty for violation.

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

By Senator Nelson:

Senate Bill 607—A Bill to amend and reenact §21-5D-2 and §21-5D-4 of the Code of West Virginia, 1931, as amended, all relating to paid or unpaid family leave time; granting a total of 12 weeks under the Parental Leave Act based on at least 12 consecutive months of performing services for remuneration within this state for any department, division, board, bureau, agency, commission, or other unit of state government, or any county board of education; and specifying conditions for which the leave time is granted.

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

By Senators Phillips and Stollings:

Senate Bill 608—A Bill to amend and reenact §16-4C-4 of the Code of West Virginia, 1931, as amended, relating to requiring that the secretary appoint a Director of the Office of Emergency Medical Services.

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

Senators Takubo, Nelson, and Weld offered the following resolution:

Senate Concurrent Resolution 19—Requesting the Division of Highways name bridge number 20-060/00-028.94 (20A347), locally known as 13th St. Overpass, carrying US 60 over CR 60/18 in Kanawha County, the “U.S. Army SSG Elson M. Kuhn Memorial Bridge”.

Whereas, U.S. Army SSG Elson Merrill Kuhn was born on September 28, 1921, in Bim, West Virginia, and attended Van High School. He served in the First Cavalry Division, U.S. Army, in the Pacific Theater, comprising the Philippines, New Guinea, New Caledonia, and the occupation force in Japan during World War II as duration duty orders, entering in 1942, and honorably discharged as a Staff Sergeant on January 14, 1946; and

Whereas, After serving in the U.S. Army for four years, SSG Elson Merrill Kuhn returned to West Virginia to work for the coal industry and in an industrial baseball league, which was popular after the post-war era. He remained employed in the mining industry for a 40-year career as an electrician, after becoming licensed by the state and federal government; and

Whereas, Before U.S. Army, SSG Elson Merrill Kuhn contributed significantly to the building and upkeep of Kanawha State Forest through his membership in the Civilian Conservation Corps No. 2599 S76 Camp at Kanawha State Forest, assisting in building the recreation areas and other infrastructure, including the dam, roads, fire towers, bridges, restrooms, picnic shelters, and the log home of the superintendent. Throughout his life, he also participated in raising funds, building shelters, replacing dilapidated foot bridges, and holding reunions at Kanawha State Forest; and

Whereas, U. S. Army SSG Elson Merrill Kuhn died after a long illness on Tuesday, September 9, 2003, at Hubbard Hospice House in Charleston, West Virginia. He died at the age of 81, leaving behind a wife of 56 years, seven children, 11 grandchildren, eight great-grandchildren, two siblings, and many nieces and nephews; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army SSG Elson M. Kuhn 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 20-060/00-028.94 (20A347), locally known as 13th St. Overpass, carrying US 60 over CR 60/18 in Kanawha County, the “U. S. Army SSG Elson M. Kuhn 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 SSG Elson M. Kuhn 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 Nelson, Azinger, Martin, Phillips, Takubo, and Weld offered the following resolution:

Senate Concurrent Resolution 20—Expressing support for the Jones Act and celebrating the centennial anniversary of the Jones Act.

Whereas, West Virginia is committed to creating and maintaining a safe, effective, and efficient transportation system that enhances opportunity for the people and communities of West Virginia and the United States; and

Whereas, The current pandemic has demonstrated the critical importance of maintaining resilient domestic industries and transportation services to the citizens and workforce of West Virginia; and

Whereas, The Merchant Marine Act of 1920, known as the Jones Act and codified in Title 46 of the United States Code, requires that vessels carrying cargo between locations in the United States be owned by American companies, crewed by American mariners, and built in American shipyards; and

Whereas, America’s ability to project and deploy forces globally, and supply and maintain military installations domestically, depends on the civilian fleet of Jones Act vessels and mariners; and

Whereas, Mariners aboard Jones Act vessels strengthen America’s homeland security as added eyes and ears monitoring

the nation's 95,000 miles of shoreline and 25,000 miles of navigable inland waterways; and

Whereas, West Virginia is home to over 3,300 maritime jobs supported by the Jones Act, which generates \$171.7 million in labor income; and

Whereas, Maritime industry jobs create ladders of opportunity through high-paying, family wage careers that offer significant career advancement without generally necessitating advanced formal education and extensive student loans; and

Whereas, The more than 40,000-vessel strong Jones Act fleet supports nearly 650,000 family wage jobs and over \$154 billion in economic output nationally, and \$800 million to the West Virginia economy; therefore, be it

Resolved by the Legislature of West Virginia:

That the Senate expresses its support for the Jones Act and celebrates the centennial anniversary of the Jones Act; and, be it

Further Resolved, That the Senate affirms its resolute support for the Jones Act and in fostering a strong domestic maritime industry that is critical to West Virginia's and the nation's economic prosperity and national security; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to each member of the West Virginia Congressional Delegation.

Which, under the rules, lies over one day.

Senators Phillips and Stollings offered the following resolution:

Senate Concurrent Resolution 21—Requesting the Division of Highways name a portion of County Route 30/1, beginning at (38.239066), (-82.192876) and ending at (38.239066), (-

82.200978), locally known as Sheridan Road, in Lincoln County, the “U.S. Army SGT Charles L. Toppings Memorial Road”.

Whereas, Charles L. Toppings was born in Man, West Virginia, on October 13, 1930, the son of Sesco and Elva Toppings; and

Whereas, Charles L. Toppings was a graduate of Hamlin High School and entered the U.S. Army; and

Whereas, SGT Charles L. Toppings served in Company C, 72nd Tank Battalion, 2nd Infantry in Korea; and

Whereas, On May 18, 1951, SGT Charles L. Toppings distinguished himself by heroic achievement near Chaun-ni, Korea, while riding in a tank retriever attempting to run an enemy roadblock. The retriever crew saw several wounded soldiers exposed to enemy fire when SGT Charles L. Toppings, while being exposed to enemy fire, manned a machine gun and delivered heavy fire on the enemy. He then left the retriever and moved the wounded soldiers into the retriever; and

Whereas, SGT Charles L. Toppings, for his heroism on that day, was awarded the Bronze Star; and

Whereas, SGT Charles L. Toppings worked for the C&O Railroad in West Virginia for over 30 years; and

Whereas, SGT Charles L. Toppings passed away on April 5, 2017, survived by three sons: Charles Toppings and wife, Sheila; William (Bill) Toppings and wife, Vicki; and Steve Toppings and wife, Karen; and

Whereas, It is fitting that an enduring memorial be established to commemorate SGT Charles L. Toppings 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 a portion of County Route 30/, beginning at (38.239066), (-82.192876) and ending at (38.239066), (-82.200978), locally known as Sheridan Road, in Lincoln County, the “U.S. Army SGT Charles L. Toppings Memorial Road”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the portion of road as the “U.S. Army SGT Charles L. Toppings Memorial Road”; 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 Lindsay, Jeffries, Phillips, Blair (Mr. President), Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Karnes, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Woodrum offered the following resolution:

Senate Resolution 17—Memorializing the life of Patrolman Cassie Marie Johnson, daughter, sister, pet mother, hero to her community, and dedicated public servant.

Whereas, Officer Johnson was a lifelong resident of Charleston, West Virginia, and a graduate of Capital High School; and

Whereas, Officer Johnson had a love for animals that was unmatched, which led her to joining the City of Charleston as a Humane Officer on Oct. 2, 2017; and

Whereas, Officer Johnson was a 2019 graduate of the 177th Basic Police Class of the West Virginia State Police Academy; and

Whereas, Officer Johnson was sworn into the Charleston Police Department as a Patrolman on January 11, 2019; and

Whereas, During her time as a Humane Officer, Officer Johnson would find stray pets and bring them into the humane association; and

Whereas, During her time as a Patrolman, Officer Johnson would help get convictions in animal cruelty cases and help find homes for animals whose cases she was involved in; and

Whereas, Officer Johnson had many pets of her own that she cared for and loved, including Emma, Gus, Tanner, Rascal, and Momma Cat; and

Whereas, Officer Johnson's love for her community quickly made her one of the most likeable members of the force; and

Whereas, Officer Johnson's classmates at the West Virginia State Police Academy remember how much of a positive impact she had on them with her uplifting spirit and encouraging words; and

Whereas, Members of the Charleston community remember how Officer Johnson used her love of animals to bond with the community she served and to bring joy to all of those she knew; and

Whereas, On December 1, 2020, Officer Johnson was shot in the line of duty while responding to a parking complaint; and

Whereas, Sadly, Patrolman Cassie Marie Johnson succumbed to her injuries and passed away on December 3, 2020; and

Whereas, After her death, Officer Johnson continued her commitment to service by giving the gift of life to four people who received her organ donations; and

Whereas, Officer Johnson's ceremonial End of Watch Call came on December 8, 2020, where she was given a hero's funeral

in the City of Charleston, attended by law enforcement from across the state and country; and

Whereas, Officer Johnson will forever be remembered for her service to the City of Charleston and to the great State of West Virginia; and

Whereas, Officer Johnson will be sadly missed by her family, friends, colleagues, the community of Charleston, the State of West Virginia, and all those whose lives she touched; and

Whereas, Unit 146 is permanently retired in honor and memory of Charleston Patrolman Cassie Marie Johnson; therefore, be it

Resolved by the Senate:

That the Senate hereby memorializes the life of Patrolman Cassie Marie Johnson, daughter, sister, pet mother, hero to her community, and dedicated public servant; and, be it

Further Resolved, That the Senate hereby extends its sincere sympathy to the family of Patrolman Cassie Marie Johnson on her passing; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the family of Patrolman Cassie Marie Johnson.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 16, USMC Corporal Roger Lee Boothe Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 17, USMC Captain Dempsey Stowers Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 18, Curtis “Pap” and Millie “Mammie” Asbury Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Resolution 16, Amending Senate Rule 14 relating to introduction of concurrent resolutions.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Rules.

The Senate proceeded to the eighth order of business.

Eng. Senate Bill 39, Prohibiting insurance coverage from requiring prior authorization for tests to stage cancer.

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

Pending discussion,

The question being “Shall Engrossed Senate Bill 39 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 39) passed with its title.

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

Com. Sub. for Senate Bill 334, Establishing license application process for needle exchange programs.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, March 8, 2021, for amendments to be received on third reading, was reported by the Clerk.

On motion of Senator Tarr, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page four, section two, line twenty-four, by striking out the word “and”;

On page four, section two, after line twenty-four, by inserting the following:

(11) The sheriff from the county in which the applicant is located or proposing to locate the needle exchange program shall provide a letter of support; and;

And by renumbering the remaining subdivision;

On page six, section three, line thirty-four, by striking out the word “and”;

On page six, section three, line thirty-six, after the word “person;” by inserting the word “and”;

On page six, section three, after line thirty-six, by inserting the following:

(I) Proof of West Virginia identification upon dispensing of the needles.;

On page seven, section four, line nine, after the word “commissioners” by inserting the words “or the county sheriff”;

On page eleven, section eleven, by striking out the section caption and inserting in lieu thereof the following:

§16-63-11. Coordination with continuum of care and effective date. ;

And,

On page eleven, section eleven, after line five, by adding the following:

(c) Upon passage any existing provider not offering the full array of harm reduction services, six months prior to passage, as set forth in this section shall cease and desist offering all needle exchange services. Any provider offering the full array of harm reduction services shall have until January 1, 2022, to come into compliance with this section. Any new provider shall have until January 1, 2022, to come into compliance with the provisions of this section.

Following extended discussion,

The question being on the adoption of Senator Tarr’s amendments to the bill, the same was put and prevailed.

On motion of Senator Stollings, the following amendment to the bill (Com. Sub. for S. B. 334) was next reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 54. OPIOID REDUCTION ACT.

§16-54-10. Surcharge on Schedule II Opioid Drugs.

(a) For the purpose of providing additional revenue for local health departments and other state agencies on the front lines of the opioid epidemic including, but not limited to, responsible needle exchange programs, effective counseling and rehabilitation, and necessary medical treatment, there is hereby authorized and imposed on and after the first day of July, two thousand and twenty-one, on the first sale of every opioid drug in this State a surcharge equal to one cent per pill, patch, or five cubic centimeters in liquid form of every opioid drug unit. The surcharge imposed by this section shall be charged against and paid by the manufacturer or distributor making such first sale and shall accrue at the time of such sale.

(b) There shall be a rebuttal presumption that any sale of an opioid drug unit in this State is the first sale.

(c) This opioid surcharge shall be collected and remitted to the secretary on a quarterly basis on or before the twenty-fifth day of the month succeeding the end of the quarter in which it is collected, except for the fourth quarter for which the surcharge shall be remitted on or before the first day of March of the succeeding year.

(d) Any person failing or refusing to collect and remit to the secretary any opioid surcharge and whose surcharge payments are not postmarked by the due dates for quarterly filing is liable for a civil penalty of up to one hundred dollars for each day of delinquency, to be assessed by the secretary.

(e) All money from the opioid surcharge and civil penalties shall be collected by the secretary who shall disburse the money received from the surcharge into a special account in the State Treasury, designated the Opioid Recovery Fund.

(f) The secretary shall promulgate emergency rules and propose legislative rules for legislative approval in accordance with the provision of article three, chapter twenty-nine-a of this code to effectuate the requirements of this section.

(g) There is hereby created in the State Treasury a special revenue account, which shall be an interest bearing account, to be known as the Opioid Recovery Fund. The special revenue account shall consist of the opioid surcharge, any appropriations that may be made by the Legislature, income from the investment of moneys held in the special revenue account and all other sums available for deposit to the special revenue account from any source, public or private. No expenditures, for purposes of this section, are authorized from collections except in accordance with the provisions of article three [§§ 12-3-1 *et seq.*], chapter twelve of this code and upon fulfillment of the provisions set forth in article two [§§ 11B-2-1 *et seq.*], chapter eleven-b of this code. Any balance remaining in the special revenue account at the end of any state fiscal year does not revert to the General Revenue Fund but remains in the special revenue account and shall be used solely in a manner consistent with this article. The secretary is authorized to expend funds from the account to develop and implement effective opioid counseling, rehabilitation, and recovery programs; assist and support needle exchange programs including, but not limited to, ensuring safe and responsible needle litter disposal; assist and support local health departments in their general mission of public health and addressing the opioid epidemic; and to defray necessary expenses incidental to those and other activities associated with opioid addiction and recovery.

ARTICLE 63. NEEDLE EXCHANGE PROGRAMS.

§16-63-1. Definitions.

As used in this article, the term:

“Administrator” means a person having the authority and responsibility for operation of the needle exchange program and serves as the contact for communication with the Director of the Harm Reduction Program.

“Applicant” means the entity applying for a license under this section.

“Bloodborne pathogens” means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

“Board of Review” means the board established in §9-2-6(13) of this code.

“Core services” means the primary services an entity undertakes in order to service its clients.

“Director” means the Director of the Office of Health Facility Licensure and Certification.

“Fixed site” means a building or single location where needle exchange services are provided.

“Good faith” means compliance with the best practices of the Centers for Disease and Control or the American Medical Association relating to syringe services programs.

“Harm reduction services” means services intended to lessen the adverse consequences of drug use and protect public health and safety, and includes, but is not limited to, a referral to substance disorder treatment programs, screening, care and treatment for hepatitis and HIV, education about overdose prevention, vaccinations, screening for sexually transmitted diseases, abscess wound care, Naloxone distribution and education, and referral to social, mental, and other medical services.

“HIV” means the etiologic virus of AIDS or Human Immunodeficiency Virus.

“Injection drug user” means a person who uses a syringe to self-administer drugs.

“License” means the document issued by the Bureau authorizing the Harm Reduction Program to operate.

“Local health department” means a health department operated by local boards of health, created, established, and maintained pursuant to §16-2-1 et seq. of this code.

“Location” means a site within the service area of a local health department. A location can be a fixed site or a mobile site.

“Mobile site” means a location accessible by foot or vehicle that is not at a fixed indoor setting. A provider shall have a fixed site located in West Virginia in order to operate a mobile site in the state or have received an independent license to operate the mobile location.

“Needle” means both the needle and syringe used to inject fluids into the body.

“Needle exchange program” means a community based program that provides access to sterile needles and syringes, facilitates safe disposal of used needles, and provides a link to other important services and programs including, but not limited to, a referral to substance use disorder treatment programs, screening, care and treatment for hepatitis and HIV, education about overdose prevention, vaccinations, screening for sexually transmitted diseases, abscess wound care, Naloxone distribution and education, and referral to social, mental, and other medical services.

“Needlestick injury” means a penetrating wound from a needle that may result in exposure to blood.

“Needlestick injury protocol” means policies and procedures to prevent needlestick injury to needle exchange staff, including volunteers, community members, and to needle exchange participants.

“Public comment period” means a 30-day public comment period commencing from the date the applicant posts information about an application in a newspaper of general circulation in the service area of the local health department.

“Service area” means the territorial jurisdiction of the local board of health.

“Sharps waste” means used needles, syringes, and lancets.

“Staff” means anyone who provides needle exchange services on behalf of a program.

“Syringe” means both the needle and syringe used to inject fluids into the body.

“Viral hepatitis” means any of the forms of hepatitis caused by the virus, including HBV HCV.

§16-63-2. Application for license to offer needle exchange programs.

(a) All new and existing needle exchange programs shall require a license.

(b) To be eligible for a license, a needle exchange program shall:

(1) Submit an application to the Office for Health Facility Licensure and Certification on a form approved by the director;

(2) Provide the name under which it will be operating;

(3) Provide a brief description of the services, including how each requirement for licensure will be met (i.e. behavioral health, birth control, etc.);

(4) Provide the full name, title, email address, and telephone number of the individual designated by the applicant as the administrator of the needle exchange program;

(5) Provide the hours of operation of the location, and staffing;

(6) Provide a specific description of services related to the provision of education and materials for the reduction or absence of other needle exchange services in the proposed location;

(7) Provide a specific description of the proposed applicant's ability to provide referrals to facilitate entry into drug abuse treatment, including opioid substitution therapy;

(8) Provide a specific description of the proposed applicant's ability to encourage usage of medical care and mental health services as well as social welfare and health promotion;

(9) Pay an application fee of not more than one hundred dollars;

(10) Provide a written statement from a majority of the county commission for the county in which it is located or is proposing to locate, that the needle exchange program:

(A) Is not prohibited by local ordinance; and

(B) That a majority of the county commission supports the program; and

(11) Publish a notice beginning the 30-day public comment period, not to exceed 150 words, in a newspaper of general circulation in the proposed service area and posted on the applicant's website that provides a summary of the proposed application and includes the name of the applicant's organization. The notice must state in all caps "PROPOSED NEEDLE EXCHANGE PROGRAM IN" the proposed county. The public may submit comments about an application during the 30-day public comment period.

§16-63-3. Program requirements.

(a) In order to be approved for a license, a needle exchange program shall offer the following, which shall be documented in the application:

(1) Referrals to a full array of harm reduction services including, but not limited to, the following:

(A) Drug abuse treatment services;

(B) HIV and hepatitis screening and education;

(C) Hepatitis A, B, and C vaccination and testing;

(D) Screening for sexually transmitted diseases;

(E) The provision of long-term birth control;

(F) The provision of behavioral health services;

(G) Overdose prevention supplies and education;

(H) Syringe collection and sharps disposal;

(I) Educational services related to disease transmission;

(J) Treatment shall be offered at every visit by a qualified licensed health care provider;

(K) The applicant shall make services available for participants to facilitate the individual entering rehabilitation or detoxification;

(L) The applicant shall make the appropriate referral to existing providers for treatment of medical conditions; and

(M) Programmatic guidelines including a sharps disposal plan, a staff training plan, a data collection and program evaluation plan, and a community relations plan; and

(2) A clean syringe exchange program, including, but not limited to, the following:

(A) A dedicated staff member assigned to recover discarded syringes from the program in the service area, with the clear

objective of reducing the transmission of blood-borne diseases within a specific geographic area;

(B) Exclusion of minors from participation in the program;

(C) A good faith effort to uniquely identify each needle provided by the needle exchange program with a goal to track each needle;

(D) A good faith effort to recover or otherwise assure proper and safe disposal of each needle distributed by the needle exchange program;

(E) A program or facility may substitute weighing the volume of needles returned versus dispensed as specified;

(F) This substitution is only permissible if it can be done accurately and in the following circumstances:

(i) The needles shall be contained in a clear container; and

(ii) A visual inspection of the container shall take place prior to the needles being weighed; and

(G) The licensee, whether fixed or mobile, shall distribute the needle directly to the program recipient, and shall not distribute a needle to a program recipient for another person;

(3) A staff training protocol including, but not limited to, the following:

(A) Orientation to the applicant's services and eligibility requirements of the program;

(B) Overview of the needle exchange philosophy and the harm reduction model used by the program;

(C) The applicant's policies and procedures that explain syringe exchange transactions;

(D) Handling disposal of infectious waste and needlestick prevention management;

(E) Procedures for making referrals, including primary care, detoxification and drug treatment, HIV counseling and testing, prenatal care, tuberculosis, and Hepatitis A, B, and C screening and treatment, and screening and treatment for sexually transmitted diseases;

(F) Education that demonstrates Naloxone administration;

(G) Cultural diversity and sensitivity to protected classes under state and federal law; and

(H) Training logs for attendance at mandatory training;

(4) A syringe-dispensing plan including, but not limited to, the following that:

(A) An accounting for safe disposal of the syringes by participants for seven years;

(B) Prevents needlestick injuries;

(C) Tracks the “approximate” number of syringes dispensed;

(D) Tracks the number of syringes collected;

(E) Tracks the number of syringes collected as a result of community reports of needle litter;

(F) Eliminates direct handling of sharps waste;

(G) Includes a needlestick protocol and plan for ensuring staff and participant familiarity with the protocol;

(H) Includes sharps waste disposal education that ensures staff are familiar with state law regulating proper disposal of home-generated sharps waste; and

(I) Includes a plan and budget for sharps waste disposal or an explanation if no cost is associated with sharps waste disposal;

(5) A plan to coordinate with the continuum of care, including the requirements set forth in this section.

(b) If an applicant for a license does not submit all of the documentation required in §16-63-2 of this code, the application for a license shall be denied.

(c) If an applicant for a license fails to comply with the program requirements, then the application shall be denied.

(d) If the license is granted it shall be effective for one year, subject to random inspection by the Office of Health Facility Licensure and Certification and a request for renewal by the licensee. Provided, That a needle exchange program which operates for at least three consecutive years without being suspended or limited pursuant to section four of this article shall have their granted license or renewal be effective for three years. Provided, however, That the needle exchange program is still subject to random inspections by the Office of Health Facility Licensure and Certification.

§16-63-4. Department of Health and Human Resources Needle Exchange Pilot Program

(a) Any licensed needle exchange program pursuant to this article may apply to the Department of Health and Human Resources to be a participant in a pilot program administered by the Department.

(b) The Department of Health and Human Resources may exempt an approved, participating needle exchange program from any requirements of this article. Provided, Any approved, participating needle exchange program shall adhere to the best practices of the Centers for Disease and Control and the American Medical Association. Provided further, That the Department shall ensure detailed monitoring and data collection of this approved, participating needle exchange program.

(c) The secretary shall promulgate emergency rules and propose legislative rules for legislative approval in accordance with the provision of article three, chapter twenty-nine-a of this code to effectuate the requirements of this section.

(d) The secretary shall submit an annual report to the Joint Committee on Health related to all approved, participating needle exchange programs.

§16-63-5. Procedure for revocation or limitation of the needle exchange program.

(a) The director may revoke or limit a needle exchange program's ability to offer services for the following reasons:

(1) The needle exchange program provides willful or intentional false or misleading information to the director at any time;

(2) Monitoring or inspection indicates the needle exchange program is in violation of the law;

(3) The needle exchange program fails to cooperate with the director during the investigation of any complaint; and

(4) Recission of the letter of approval from majority of the county commissioners.

(b) The director shall send written notice to the needle exchange program of revocation or limitation of its operations. The written notice shall include the following:

(1) Effective date of the revocation or limitation;

(2) The basis for the revocation or limitation on the certificate;

(3) The location to which the revocation or limitation applies;

(4) The remedial measures the needle exchange program shall take, if any, to consider reinstatement of the program or removal of the limitation; and

(5) Steps to request reconsideration or appeal of the decision.

§16-63-6. Reconsideration procedure.

(a) An owner or operator may request, in writing, reconsideration of a decision rendered by the director on an action taken. If the request for reconsideration establishes good cause, then the director shall grant the request. Upon request, the director may grant a public hearing to consider the request for reconsideration.

(b) A request for reconsideration is considered to have shown good cause if, in a detailed statement, it:

(1) Presents significant, relevant information not previously considered by the director, and demonstrates that with reasonable diligence that information could not have been presented before the board made its decision;

(2) Demonstrates that there have been significant changes in factors or circumstances relied upon by the director in reaching its decision;

(3) Demonstrates that the board has materially failed to follow its adopted procedures in reaching its decision; or

(c) The director shall receive a request for reconsideration within 30 days after the date of the bureau's decision.

(d) The director or his or her designee shall hold a hearing, if any, upon a request for reconsideration within 30 days of the bureau's receipt of the request. The director may extend this time for good cause.

(e) The director shall issue its written decision which states the basis of its decision upon request for reconsideration within 45 days after the conclusion of the hearing.

§16-63-7. Administrative due process.

(a) An owner or operator of a needle exchange program who disagrees with the final administrative decision may, within 30 days after receiving notice of the decision, appeal the decision to the department's board of review.

(b) The needle exchange program shall be required to be represented by legal counsel at the hearing.

(c) All pertinent provisions of §29A-5-1 *et seq.* of this code and §69-1-1 *et seq.* of this code apply to and govern any hearing authorized by this statute.

(d) The filing of a request for a hearing does not stay or supersede enforcement of the final decision of the director. The director may, upon good cause shown, stay such enforcement.

§16-63-8. Administrative appeals and judicial review.

(a) An owner or operator of a needle exchange program who disagrees with the final administrative decision may, within 30 days after the date the appellant received notice of the decision of the board of review, appeal the decision to the Circuit Court of Kanawha County or in the county where the petitioner resides or does business.

(b) The filing of the petition for appeal does not stay or supersede enforcement of the final decision or order of the director. An appellant may apply to the circuit court for a stay of or to supersede the final decision or order for good cause shown.

(c) No circuit court has jurisdiction to consider a decision of the board if the petitioner has failed to file a request for review with the board of review within the time frame set forth in this article.

§16-63-9. Reporting requirements; renewal requests.

(a) A needle exchange program licensed pursuant to this statute shall file a quarterly report with the director, by email, and file an annual request for renewal on the anniversary date of license approval each and every year of the program's operation under the director's review. The report shall include:

(1) The total number of persons served;

(2) The total numbers and types of syringes and needles dispensed, collected, and disposed of;

(3) The total number of needlestick injuries to non-participants;

(4) Statistics regarding the number of individuals entering rehabilitation; and

(5) The total numbers and types of referrals made to drug treatment and other services.

(b) A syringe exchange program licensed pursuant to this statute shall within 45 days prior to the expiration of the license, or at any other time directed by the director, submit a report verified, in writing, by the administrator, containing the following information:

(1) The current status of the project;

(2) The cause or causes of any delays encountered;

(3) Changes in the project; and

(4) The projected total cost.

(c) Upon good cause shown, and if the needle exchange program is in substantial compliance with the reporting requirements set forth in this section, the director may grant a renewal for up to six months for the initial renewal period. Forty-five days prior to the expiration of the license, the needle exchange

program shall submit a request for renewal addressing the criteria in subsection (b) of this section. In order to be considered for renewal, the needle exchange program must be in substantial compliance with the reporting requirements of this section. Any subsequent renewal may be granted for up to 12 months.

§16-63-10. Immunity and cost recoupment.

Any business, excluding the operator of a needle exchange program, that has needle litter on their property and subsequently incurs a loss, is immune from civil or criminal liability in any action relating to the needle on their property unless the business owner acted in reckless disregard for the safety of others.

§16-63-11. Civil injunctive relief.

The Office of Health Facilities Licensure and Certification may seek injunctive relief to enforce the provisions of this article.

§16-63-12. Coordination with continuum of care.

(a) A provider shall coordinate with other existing providers in its services to render care to the individuals in the needle exchange program as set forth in the program requirements.

(b) In the event that the needle exchange program is closed, the needle exchange program shall notify the patient of the closure of the service, prior to closure, in a conspicuous location and provide an individual notice to enable the person to transition their care.

Following extended discussion,

The question being on the adoption of the amendment offered by Senator Stollings to the bill (Com. Sub. for S. B. 334), the same was put.

The result of the voice vote being inconclusive, Senator Stollings demanded a division of the vote.

A standing vote being taken, there were eleven “yeas” and twenty-two “nays”.

Whereupon, Senator Blair (Mr. President) declared the amendment offered by Senator Stollings to the bill rejected.

On motion of Senator Lindsay, the following amendments to the bill (Com. Sub. for S. B. 334) were next reported by the Clerk and considered simultaneously:

On page seven, section three, line seventy-one, after the word “licensee” by changing the period to a colon and inserting the following proviso: *Provided*, That a needle exchange program which operates for at least three consecutive years without being suspended or limited pursuant to section four of this article shall have their granted license or renewal be effective for three years: *Provided, however*, That the needle exchange program is still subject to random inspections by the Office of Health Facility Licensure and Certification.;

On page eleven, section ten, lines one and two, by striking out all of subsection (a);

And,

On page eleven, section ten, line three, by striking out “(b)”.

Following discussion,

The question being on the adoption of Senator Lindsay’s amendments to the bill, the same was put and did not prevail.

There being no further amendments offered,

The bill, as just amended by Senator Tarr, was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 334 was then read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 334 pass?”

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Jeffries, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—22.

The nays were: Baldwin, Beach, Caputo, Hamilton, Ihlenfeld, Lindsay, Plymale, Romano, Stollings, Stover, and Unger—11.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 334) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 339, Expanding types of agricultural operations that are protected from nuisance and other legal actions.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Beach and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 339) 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 Com. Sub. for Senate Bill 339—A Bill to amend and reenact §19-19-2 and §19-19-7 of the Code of West Virginia, 1931, as amended, all relating to the right to farm; amending definitions; defining new terms; clarifying requirements for filing a public or private nuisance action to recover damages from an agricultural operation; clarifying applicability of municipal requirement to agricultural operation situated outside municipal corporate boundaries; and clarifying exemption for certain actions for injuries or damages against an agricultural operation or portion thereof.

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 344, Relating to credit for qualified rehabilitated buildings investment.

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 344 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 344) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2021.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 344) takes effect July 1, 2021.

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 370, Requiring certain documents that contain wage records be considered confidential.

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

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 370 pass?”

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Maroney, Martin, Maynard, Nelson, Phillips,

Roberts, Rucker, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—21.

The nays were: Baldwin, Beach, Caputo, Hamilton, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel—12.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 370) passed with its title.

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

Eng. Com. Sub. for Senate Bill 383, Relating to exempting certain organizations from property taxation.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 383) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2021.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 383) takes effect July 1, 2021.

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 439, Allowing use or nonuse of safety belt as admissible evidence in civil actions.

Having been read a third time on yesterday, Monday, March 8, 2021, and now coming up in regular order, was reported by the Clerk.

The question being “Shall Engrossed Committee Substitute for Senate Bill 439 pass?”

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 439 pass?”

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Hamilton, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—24.

The nays were: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Romano, Stollings, and Woelfel—9.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 439) passed with its title.

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

Eng. Senate Bill 456, Relating to Natural Resources Police Officers Retirement System.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 456) passed with its title.

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

Eng. Com. Sub. for Senate Bill 460, Relating to Deputy Sheriff Retirement System Act.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 460) passed with its title.

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

Eng. Senate Bill 467, Relating to WV Municipal Police Officers and Firefighters Retirement System.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 467) 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 466, Relating generally to appraisal management companies.

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 475, Dedicating certain fees collected by Division of Labor to General Revenue Fund.

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 517, Relating to sunset provisions of legislative rules.

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

Eng. Com. Sub. for House Bill 2001, Relating generally to creating the West Virginia Jumpstart Savings Program.

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

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 11. TAXATION.**ARTICLE 21. PERSONAL INCOME TAX.****§11-21-12m. Additional modifications related to a Jumpstart Savings Account.****(a) Modification for contributions. –**

(1) For taxable years beginning on or after January 1, 2022, in addition to amounts authorized to be subtracted from federal adjusted gross income pursuant to §11-21-12 of this code, a modification reducing federal adjusted gross income is hereby authorized in an amount equal to a West Virginia taxpayer's contribution to a Jumpstart Savings Account for the taxable year in which the payment is made, in accordance with §18-30A-1 et seq. of this code, but only to the extent the amount is not allowable as a deduction when arriving at the taxpayer's federal adjusted gross income for the taxable year.

(2) The decreasing modification allowed pursuant to this subsection may not exceed \$25,000 in a single taxable year: *Provided*, That the taxpayer may also elect to carry forward the modification over a period not to exceed five taxable years, beginning in the taxable year in which the contribution was made.

(b) Modification for distributions. –

(1) For taxable years beginning on or after January 1, 2022, in addition to amounts authorized to be subtracted from federal adjusted gross income pursuant to §11-21-12 of this code, a modification reducing federal adjusted gross income is hereby authorized in an amount equal to the portion of a distribution from a Jumpstart Savings Account received by a distributee that is used to pay for qualified expenses, as defined in §18-30A-11 of this code. Such decreasing modification is authorized for the taxable year the distribution is made to the distributee, but only to the extent the distribution amount is not allowable as a deduction when arriving at the distributee's federal adjusted gross income for the taxable year when the distribution was made. Any decreasing

modification applied by a distributee shall be subject to disallowance to the extent that the distributed moneys are not used to pay for qualified expenses, as defined in §18-30A-11 of this code in the taxable year of receipt of the distribution or the next succeeding taxable year.

(2) The decreasing modification allowed pursuant to this subsection may not exceed \$25,000 for the taxable year.

(3) For the purposes of this section, the term “distributee” means the beneficiary or the owner of a Jumpstart Savings Account who is authorized to receive distributions from the account, according to §18-30A-1 *et seq.* of this code and the legislative rules and procedures adopted by the Jumpstart Savings Board.

(c) *Modification for rollover of certain distributions.* – In addition to amounts authorized to be subtracted from federal adjusted gross income pursuant to §11-21-12 of this code, a modification reducing federal adjusted gross income is hereby authorized for the account owner, to the extent that the amount is not allowable as a deduction when arriving at the account owner’s federal adjusted gross income, in the amount as follows:

(1) An amount equal to a distribution from a Jumpstart Savings Account received in the taxable year, if the account owner deposits such amount into a West Virginia ABLÉ Account within 30 days of receiving the distribution, according to the requirements of §18-30A-1 *et seq.* of this code; and

(2) An amount equal to the portion of a distribution received in the taxable year from a college savings account, established pursuant to §18-30-1 *et seq.* of this code, if the taxpayer deposits the amount into a Jumpstart Savings Account within 30 days of receiving the distribution according to the requirements of §18-30A-1 *et seq.* of this code.

(d) Nothing in this section shall be construed to decrease or otherwise impact any person’s federal tax obligations or to authorize any act which violates federal law.

§11-21-25. Nonrefundable credit for matching contribution to employee's Jumpstart Savings Account.

(a) A nonrefundable credit against the tax imposed by the provisions of this article is allowed against the tax liability imposed under this article of a qualified employer, for a matching contribution made to a Jumpstart Savings Account in the taxable year, if the beneficiary of the account is an employee of the taxpayer and a West Virginia resident, subject to the requirements of §18-30A-1 et seq. and the following:

(1) The employer must directly contribute an amount to a Jumpstart Savings Account that is equal to a contribution made by the employee to such account in the same taxable year.

(2) The credit allowed by this section may not exceed \$5,000 per employee per taxable year.

(3) The amount of the credit may not exceed the portion of the contribution that is attributable to the employer and that would otherwise be derived by the employer as income from his or her business for the taxable year.

(4) The employer may not claim the credit if the employer himself or herself is the account beneficiary of the account to which the matching contribution was made.

(5) An employer may not claim a credit against more than one type of tax for a single contribution to a Jumpstart Savings Account.

(b) The credit provided by this section is only allowed to the extent the amount is not allowable as a deduction when arriving at the taxpayer's federal adjusted gross income for the taxable year in which the contribution is made.

(c) In order to qualify for the credit provided by this section, an employer must submit any forms or other information, as required by the West Virginia Jumpstart Savings Board or the State

Treasurer, and the Tax Commissioner, upon making the contribution.

(d) *Conduit Entities and Proprietorships Personal Income Taxes.* —

(1) If the employer directly contributing an amount to a Jumpstart Savings Account is an electing small business corporation (as defined in Section 1361 of the United States Internal Revenue Code of 1986, as amended), a partnership, a limited liability company that is treated as a partnership for federal income tax purposes, or a sole proprietorship, then credit authorized pursuant to this section is allowed as a credit against the taxes imposed by this article on the flow through income of S corporation shareholders, partners, owners, and limited liability company members derived from such electing small business corporation, partnership, or limited liability company attributable to business or other activity.

(2) If the employer directly contributing an amount to a Jumpstart Savings Account is a sole proprietor, then credit authorized pursuant to this section is allowed as a credit against the taxes imposed by this article on the income of the sole proprietor attributable to the business.

(3) Electing small business corporations, limited liability companies, partnerships, and other unincorporated organizations shall allocate the credit allowed by this article among its partners, owners, shareholders, or members in the same manner as profits and losses are allocated for the taxable year.

(4) No credit is allowed under this section against any employer withholding taxes imposed by this article.

(5) Credit allowed under this section must be used in the tax year in which the contribution is made. Credit may not be carried back to a prior tax year nor carried forward to a subsequent tax year. Any amount of unused credit is forfeited.

ARTICLE 24. CORPORATION NET INCOME TAX.**§11-24-10a. Nonrefundable credit for matching contribution to employee's Jumpstart Savings Account.**

(a) A nonrefundable credit against the tax imposed by the provisions of this article is allowed for a matching contribution to a Jumpstart Savings Account made in the taxable year if the beneficiary of the account is an employee of the taxpayer and a West Virginia resident, subject to the requirements of §18-30A-1 et seq. and the following:

(1) The employer must directly contribute an amount to a Jumpstart Savings Account that is equal to a contribution made by the employee to such account in the same taxable year.

(2) The credit allowed by this section may not exceed \$5,000 per employee per taxable year.

(3) An employer may not claim the credit against more than one type of tax for a single contribution to a Jumpstart Savings Account.

(b) The credit provided by this section is only allowed to the extent the amount is not allowable as a deduction when arriving at the taxpayer's federal adjusted gross income for the taxable year in which the contribution is made.

(c) In order to qualify for the credit provided by this section, an employer must submit any forms or other information, as required by the West Virginia Jumpstart Savings Board or the State Treasurer, or the Tax Commissioner, upon making the contribution.

(d) *Conduit Entities Corporation Net Income Tax.* —

(1) If the employer directly contributing an amount to a Jumpstart Savings Account is an electing small business corporation (as defined in Section 1361 of the United States Internal Revenue Code of 1986, as amended), a partnership, or a

limited liability company that is treated as a partnership for federal income tax purposes, then credit authorized pursuant to this section is allowed as a credit against the taxes imposed by this article on the flow through income of S corporation shareholders, partners, owners, and limited liability company members derived from such electing small business corporation, partnership, or limited liability company attributable to business or other activity.

(2) Electing small business corporations, limited liability companies, partnerships, and other unincorporated organizations shall allocate the credit allowed by this article among its corporate partners, owners, shareholders, or members in the same manner as profits and losses are allocated for the taxable year.

(3) No credit is allowed under this section against any employer withholding taxes imposed by this article.

(4) The credit allowed under this section must be used in the tax year in which the contribution is made. Credit may not be carried back to a prior tax year nor carried forward to a subsequent tax year. Any amount of unused credit is forfeited.

CHAPTER 18. EDUCATION.

ARTICLE 30A. WEST VIRGINIA JUMPSTART SAVINGS ACT.

§18-30A-1. Short Title.

This article shall be known, and may be cited as, the “West Virginia Jumpstart Savings Act”.

§18-30A-2. Findings.

The Legislature recognizes the importance of cultivating an environment in West Virginia where our tradespersons and entrepreneurs can be successful in their careers and remain in their home state. The Legislature finds that a savings and investment program to assist our citizens who wish to embark on a new trade

or establish a new business within this state, is an investment in the future of West Virginia and its hardworking citizens.

§18-30A-3. Definitions.

For the purposes of this article, the following terms shall have the following meanings:

(1) “Account owner” means the person who opens and invests money into a Jumpstart Savings Account, as provided in this article.

(2) “Beneficiary” means the person designated as a beneficiary at the time an account is established, or the individual designated as the beneficiary when the beneficiary is changed.

(3) The “board” means the West Virginia Jumpstart Savings Board created in §18-30A-5 of this code.

(4) “Contribution” means any amount of money deposited into a Jumpstart Savings Account according to the procedures established and required by the board or the Treasurer.

(5) “Deduction” as used in this article has the same meaning as when used in a comparable context in the laws of the United States relating to income taxes, unless a different meaning is clearly required. Deduction means and refers to a deduction allowable under the federal income tax code for the purpose of determining federal taxable income or federal adjusted gross income, unless text clearly indicates otherwise.

(6) “Distributee” has the same meaning provided in §11-21-12m of this code.

(7) “Distribution” means any disbursement from an account.

(8) The term “family member”, as used to describe a person’s relationship to a designated beneficiary, includes any of the following:

(A) The spouse of the beneficiary;

(B) A child of the beneficiary or a descendant of the beneficiary's child;

(C) A brother, sister, stepbrother, or stepsister of the beneficiary;

(D) The father or mother of the beneficiary, or an ancestor of either;

(E) A first cousin of the beneficiary;

(F) A stepfather or stepmother of the beneficiary;

(G) A son or daughter of a brother or sister of the beneficiary;

(H) A brother or sister of the father or mother of the beneficiary;

(I) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the beneficiary; or

(J) The spouse of any person described in paragraphs (A) through (I) of this subdivision.

(K) Any term set forth in this subdivision means and includes such term as established through a lawful adoption, including, but not limited to, adoptions of a child or children, or other natural person, by a natural person or natural persons who are not the father, mother, or stepparent of the child or person.

(9) "Labor organization" means any organization, agency, association, union, or employee representation committee of any kind that exists, in whole or in part, to assist employees in negotiating with employers concerning grievances, labor disputes, wages, rates of pay, or other terms or conditions of employment.

(10) The “program” refers to the Jumpstart Savings Program established by this article.

(11) The “Treasurer” refers to the West Virginia State Treasurer or his or her designee.

§18-30A-4. West Virginia Jumpstart Savings Program established.

The West Virginia Jumpstart Savings Program is hereby established, to be operable on or before July 1, 2022. The board shall implement and administer the program under the terms and conditions required by this article.

§18-30A-5. West Virginia Jumpstart Savings Board; members; terms; compensation; proceedings generally.

(a) The West Virginia Jumpstart Savings Program shall be administered by the West Virginia Jumpstart Savings Board.

(b) The board consists of seven members and includes the following:

(1) The State Treasurer;

(2) The State Superintendent of Schools, or his or her designee;

(3) The Chancellor of the West Virginia Community and Technical College System, or his or her designee;

(4) Four members, appointed by the Governor, with knowledge, skill, and experience in trade occupations or businesses, to be appointed as follows:

(A) A member representing a labor organization that represents tradespersons in this state;

(B) A member representing a business or entity offering apprenticeships in this state; and

(C) Two private citizens not employed by, or an officer of, the state or any political subdivision of the state.

(c) The members designated in this section to be appointed by the Governor are so appointed with the advice and consent of the Senate.

(d) Only state residents are eligible for appointment to the board.

(e) Members appointed by the Governor serve a term of five years and are eligible for reappointment at the expiration of their terms. If there is a vacancy among appointed members, the Governor shall appoint a person meeting the requirements of this section to fill the unexpired term. Members of the board serve until the later of the expiration of the term for which the member was appointed or the appointment of a successor.

(f) Members of the board serve without compensation. The Treasurer may pay all reasonable expenses, including travel expenses, actually incurred by board members in the conduct of their official duties. Expense payments are made from the Jumpstart Savings Expense Account and are made at the same rates and in the same manner as travel reimbursements are paid to state employees.

(g) The Treasurer is the chairman and presiding officer of the board and shall appoint the employees the board considers advisable or necessary.

(h) The board shall adopt bylaws and rules of procedure at its first official meeting. A majority of the members of the board constitutes a quorum for the transaction of the business of the board.

§18-30A-6. Powers of the board.

The board is authorized to take any lawful action necessary to effectuate the provisions of this article and successfully administer

the program, subject to applicable state and federal law, including, but not limited to, the following:

(1) Adopt and amend bylaws;

(2) Execute contracts and other instruments for necessary goods and services, employ necessary personnel, and engage the services of private consultants, auditors, counsel, managers, trustees, and any other contractor or professional needed for rendering professional and technical assistance and advice: *Provided*, That selection of these services is not subject to the provisions of §5A-3-1 *et seq.* of this code: *Provided, however*, That all expenditures and monetary and financial transactions shall be subject to periodic audits by the Office of Chief Inspector, or the Legislative Auditor, or both;

(3) Implement the program through use of financial organizations as account depositories and managers, as provided in §18-30A-9 of this code;

(4) Develop and impose requirements, policies, procedures, and guidelines to implement and manage the program;

(5) Establish the method by which funds shall be allocated to pay for administrative costs and assess, collect, and expend administrative fees, charges, and penalties;

(6) Authorize the assessment, collection, and retention of fees and charges against the amounts paid into and the earnings on the trust funds by a financial institution, investment manager, fund manager, West Virginia Investment Management Board, the Board of Treasury Investments, or other professional managing or investing the trust funds and accounts;

(7) Invest and reinvest any of the funds and accounts under the board's control with a financial institution, an investment manager, a fund manager, the West Virginia Investment Management Board, the Board of Treasury Investments, or other professional investing the funds and accounts: *Provided*, That investments made under

this article shall be made in accordance with the provisions of §44-6C-1 et seq. of this code;

(8) Solicit and accept gifts, including bequests or other testamentary gifts made by will, trust, or other disposition; grants; loans; aid; and property, real or personal of any nature and from any source, or to participate in any other way in any federal, state, or local governmental programs in carrying out the purposes of this article: *Provided*, That the board shall use the property received to effectuate the desires of the donor, and shall convert the property received into cash within 90 days of receipt; and

(9) Propose legislative rules for promulgation in accordance with §29A-3-1 et seq. of this code.

§18-30A-7. Powers and duties of the Treasurer.

(a) In order to implement and administer the program, the Treasurer shall:

(1) Provide support staff and office space for the board;

(2) Establish and monitor, at the direction of the board, the methods and processes by which the funds held in accounts are deposited and distributed;

(3) Charge and collect any necessary administrative fees, penalties, and service charges in connection with any agreement, contract, or transaction relating to the program;

(4) Develop marketing plans and promotional material to ensure that potential program beneficiaries will be aware of the program and the advantages the program offers; and

(5) Present the annual evaluations and reports required by §18-30A-13 of this code at any meeting or proceeding of the Legislature or the Office of the Governor upon request.

(b) In order to implement and administer the program, the Treasurer may:

(1) Collect all necessary information from program account holders and beneficiaries;

(2) Create forms necessary for implementation of the program;

(3) Propose legislative rules for legislative approval, in accordance with the provisions of §29A-3-1 *et seq.* of this code, that are necessary to effectuate the provisions and purposes of this article; and

(4) Perform all other lawful actions necessary to effectuate the provisions of this article, subject to applicable state and federal law.

§18-30A-8. West Virginia Jumpstart Savings Trust; Trust Fund; and Expense Fund created.

(a) The board shall establish the Jumpstart Savings Program Trust, and a Jumpstart Savings Program Trust Fund Account, titled the Jumpstart Savings Trust Fund, within the accounts held by the Treasurer or with a financial institution, an investment manager, a fund manager, the West Virginia Investment Management Board, the Board of Treasury Investments, or any other person for the purpose of managing and investing the trust fund. Assets of the Jumpstart Savings Program Trust are held in trust for account owners and beneficiaries.

(b) The Jumpstart Savings Trust Fund shall receive all moneys from account owners on behalf of beneficiaries or from any other source, public or private. Earnings derived from the investment of the moneys in the Jumpstart Savings Trust Fund shall remain in the fund, held in trust in the same manner as contributions, except as refunded, applied for purposes of the beneficiaries, and applied for purposes of maintaining and administering the program.

(c) The corpus, assets, and earnings of the Jumpstart Savings Trust Fund do not constitute public funds of the state and are available solely for carrying out the purposes of this article. Any contract entered into by, or any obligation of the board on behalf of and for the benefit of the program, does not constitute a debt or

obligation of the state but is solely an obligation of the Jumpstart Savings Trust Fund.

(d) All interest derived from the deposit and investment of moneys in the Jumpstart Savings Trust Fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the trust fund may not be credited or transferred to the State General Fund or to any other fund.

(e) In order to fulfill the charitable and public purposes of this article, neither the earnings nor the corpus of the Jumpstart Savings Trust Fund is subject to taxation by the state or any of its political subdivisions.

(f) Notwithstanding any provision of this code to the contrary, money in the Jumpstart Savings Trust Fund is exempt from creditor process and not subject to attachment, garnishment, or other process; is not available as security or collateral for any loan, or otherwise subject to alienation, sale, transfer, assignment, pledge, encumbrance, or charge; and is not subject to seizure, taking, appropriation, or application by any legal or equitable process or operation of law to pay any debt or liability of any account owner, beneficiary, or successor in interest.

(g) (1) The Jumpstart Savings Program Expense Fund is hereby established in the State Treasury.

(2) The Jumpstart Savings Expense Fund shall receive all fees, charges, and penalties collected by the board. Expenditures from the fund are authorized from collections subject to appropriations made by the Legislature.

(3) All expenses incurred by the board or the Treasurer in developing and administering the program shall be payable from the Jumpstart Savings Expense Fund.

§18-30A-9. Use of financial organizations as program depositories and managers.

(a) The board may implement the program through use of financial organizations as account depositories and managers. The

board may solicit proposals from financial organizations to act as depositories and managers of the program. Financial organizations submitting proposals shall describe the investment instruments which will be held in accounts. The board may select more than one financial organization and investment instrument for the program. The board shall select financial organizations to act as program depositories and managers from among the bidding financial organizations that demonstrate the most advantageous combination, both to potential program participants and this state, based on the following criteria:

(1) The financial stability and integrity of the financial organization;

(2) The safety of the investment instrument being offered;

(3) The ability of the financial organization to satisfy recordkeeping and reporting requirements;

(4) The financial organization's plan for promoting the program and the investment the organization is willing to make to promote the program;

(5) The fees, if any, proposed to be charged to the account owners;

(6) The minimum initial deposit and minimum contributions that the financial organization will require;

(7) The ability of the financial organization to accept electronic deposits and withdrawals, including payroll deduction plans; and

(8) Other benefits to the state or its residents included in the proposal, including fees payable to the state to cover expenses of operation of the program.

(b) The board may enter into any contracts with a financial organization necessary to effectuate the provisions of this article. Any management contract shall include, at a minimum, terms requiring the financial organization to:

(1) Take any action required to keep the program in compliance with requirements of this article and any other applicable state or federal law;

(2) Keep adequate records of each account, keep each account segregated from each other account, and provide the board with the information necessary to prepare the statements required by this article and other applicable state and federal laws;

(3) Compile, summarize, and total information contained in statements required to be prepared under this article and applicable state and federal laws and provide such compilations to the board;

(4) Provide the board with access to the books and records of the program manager and with any other information needed to determine compliance with the contract, this article, and any other applicable state or federal law;

(5) Hold all accounts for the benefit of the account owner or owners;

(6) Be audited at least annually by a firm of certified public accountants selected by the program manager and provide the results of such audit to the board;

(7) Provide the board with copies of all regulatory filings and reports made by the financial organization during the term of the management contract or while the financial organization is holding any accounts, other than confidential filings or reports that will not become part of the program. The program manager shall make available for review by the board and the Treasurer the results of any periodic examination of such manager by any state or federal banking, insurance, or securities commission, except to the extent that such report or reports may not be disclosed under law; and

(8) Ensure that any description of the program, whether in writing or through the use of any medium, is consistent with the marketing plan developed pursuant to the provisions of this article.

(c) The board may:

(1) Enter into contracts it deems necessary for the implementation of the program;

(2) Require that an audit be conducted of the operations and financial position of the program depository and manager at any time if the board has any reason to be concerned about the financial position, the record keeping practices, or the status of accounts of such program depository and manager; and

(3) Terminate or decline to renew a management agreement. If the board terminates or does not renew a management agreement, the board shall take custody of accounts held by such program manager and shall seek to promptly transfer such accounts to another financial organization that is selected as a program manager or depository and into investment instruments as similar to the original instruments as possible.

18-30A-10. Opening a Jumpstart Savings Account; deposits.

(a) Beginning on July 1, 2022, a person may open a Jumpstart Savings Account.

(b) To open a Jumpstart Savings Account, the account owner must:

(1) Provide all information required by the Treasurer;

(2) Make a minimum opening deposit of \$25; and

(3) Name a single person as the designated beneficiary: *Provided*, That the designated beneficiary may be the account owner himself or herself, or another person: *Provided, however*, That the beneficiary may not be a business, corporation, or enterprise.

(c) The Treasurer will deposit \$100 from the Jumpstart Savings Expense Fund into a newly opened Jumpstart Savings Account if the following criteria are met:

(1) The designated beneficiary is a resident of West Virginia; and

(2) The account is opened when the designated beneficiary is under 18 years of age; or

(3) The account is opened within the 180 days following the date of the designated beneficiary's enrollment in an apprenticeship or educational program described in §18-30A-11(c)(1)(A) of this code.

(d) Any person may make a contribution to a Jumpstart Savings Account after the account is opened, subject to applicable state and federal laws.

(e) The Treasurer shall prescribe all forms required to open and make deposits to a Jumpstart Savings Account and make the forms available in a prominent location on the Treasurer's website.

§18-30A-11. Distributions; qualified expenses.

(a) A distribution from a Jumpstart Savings Account that was used to pay for qualified expenses, as defined in subsection (c) of this section, shall establish entitlement of the distributee to the personal income tax decreasing modification authorized by §11-21-12m(b) of this code, and such decreasing modification may be applied to determine West Virginia adjusted gross income of the distributee in the taxable year in which such qualified expenses were paid.

(b) A change in the designated beneficiary of a Jumpstart Savings Account is not a distribution for the purposes of this article or §11-21-1 *et seq.* of this code if the new beneficiary is a family member of the prior beneficiary.

(c) *Qualified expenses.* —

(1) For the purposes of this article and §11-21-12m of this code, expenditures of distributions for the following purposes are qualified expenses:

(A) The purchase of tools, equipment, or supplies by the beneficiary to be used exclusively in an occupation or profession for which the beneficiary is required to:

(i) Complete an apprenticeship program registered and certified with the United States Department of Labor, as provided in 29 U.S.C. §50;

(ii) Complete an apprenticeship program required by any provision of this code or a legislative rule promulgated pursuant to this code;

(iii) Earn a license or certification from an Advanced Career Education (ACE) career center; or

(iv) Earn an associate degree or certification from a community and technical college.

(B) Fees for required certification or licensure for the beneficiary to practice a trade or occupation described in paragraph (A) of this subdivision in this state; and

(C) Costs incurred by the beneficiary that are necessary to establish a business in this state in which the beneficiary will practice an occupation or profession described in paragraph (A) of this subdivision, when the costs are exclusively incurred and paid for the purpose of establishing and operating such business.

(2) In no event shall any dues, fees, subscriptions, or any other payments to a labor organization constitute qualified expenses for the purposes of this article.

§18-30A-12. State tax benefits related to a Jumpstart Savings Account.

(a) As provided in §11-21-12m, §11-21-25, and §11-24-10a of this code, contributions, distributions, and employer matching contributions are eligible for specified decreasing modifications in determining taxable income, or specified tax credits against tax imposed by §11-21-1 *et seq.* and §11-24-1 *et seq.* of this code.

(b) Nothing in this article nor in §11-21-12m, §11-21-25, or §11-24-10a of this code shall be construed to decrease or otherwise impact any person's federal tax obligations or to authorize any act which violates federal law.

§18-30A-13. Reports and account; annual audit.

(a) In addition to any other requirements of this article, the board shall:

(1) Prepare and provide an annual summary of information on the financial condition of the Jumpstart Savings Trust Fund and Expense Fund and statements on the savings program accounts to the respective account owners; and

(2) Prepare, or have prepared, a quarterly report on the status of the program, including the Jumpstart Savings Trust Fund and Expense Fund, and provide a copy of the report to the Joint Committee on Government and Finance.

(b) All accounts administered under the program, including the Jumpstart Savings Trust Fund and Expense Fund, are subject to an annual external audit by an accounting firm, selected by the board, of which all members or partners assigned to head the audit are members of the American Institute of Certified Public Accountants. The audit shall comply with the requirements and standards in §5A-2-33 of this code.

§18-30A-14. Records; confidentiality.

(a) Notwithstanding any other provision of this code, the board and an apprenticeship provider, training or educational institution, or employer, are authorized to exchange information regarding participants in the program to carry out the purposes of this article: *Provided*, That the tax information confidentiality provisions of §11-10-5d of this code shall apply to tax returns and tax return information.

(b) Records containing personally identifying information regarding Jumpstart Savings Account holders and beneficiaries is exempt from disclosure under §29B-1-1 *et seq.* of this code.

§18-30A-15. Limitation on liability.

Nothing in this article creates any obligation of the board, the Treasurer, the state, or any agency or instrumentality of the state to guarantee for the benefit of any account holder or designated beneficiary with respect to the:

- (1) Return of principal;
- (2) Rate of interest or other return on any account; or
- (3) Payment of interest or other return on any account.

§18-30A-16. Legislative rules required.

Prior to the commencement of the program, the board shall promulgate legislative, procedural, or emergency rules, or any combination thereof, in accordance with the provisions of §29A-3-1 *et seq.* of this code, that include at a minimum, the following:

(1) Requirements for any contract to be entered between the board and an account holder upon opening a Jumpstart Savings Account to ensure compliance with the requirements of this article and applicable state and federal laws;

(2) Examples of qualified expenses, as described in §18-30A-11 of this code; and

(3) Procedures for opening Jumpstart Savings Accounts, making contributions thereto, requesting distributions therefrom, and instructions for accessing any necessary forms.

The bill (Eng. Com. Sub. for H. B. 2001), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 314, Regulating pawnbrokers.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Romano.

The Senate proceeded to the thirteenth order of business.

The following communications were reported by the Clerk:

CRAIG P. BLAIR
SENATE PRESIDENT-LIEUTENANT GOVERNOR



304-357-7801
CRAIG.BLAIR@WVSENATE.GOV

STATE CAPITOL, ROOM M-227
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800

March 8, 2021

The Honorable Robert Karnes
West Virginia Senate
Building 1, Room 417-M
Charleston, West Virginia 25305

Dear Senator Karnes:

In accordance with your wishes, I hereby remove you from the following Standing Committees of the West Virginia Senate:

Banking and Insurance
Education, Vice Chair
Interstate Cooperation, Chair
Judiciary
Pensions
Transportation and Infrastructure

Sincerely,

A handwritten signature in blue ink that reads "C.P. Blair".

Craig P. Blair
President

CPB:mp

cc: Lee Cassis, Clerk

CRAIG P. BLAIR
SENATE PRESIDENT-LIEUTENANT GOVERNOR



304-357-7801
CRAIG.BLAIR@WVSENATE.GOV

STATE CAPITOL, ROOM M-227
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800

March 8, 2021

The Honorable Dave Sypolt
West Virginia Senate
Building 1, Room 214-W
Charleston, West Virginia 25305

Dear Senator Sypolt:

I hereby appoint you to the Committee on Banking and Insurance effective immediately.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "C.P. Blair", is written over the printed name.

Craig P. Blair
President

CP:mp

cc: Lee Cassis, Clerk

CRAIG P. BLAIR
SENATE PRESIDENT-LIEUTENANT GOVERNOR



304-357-7801
CRAIG.BLAIR@WVSENATE.GOV

STATE CAPITOL, ROOM M-227
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800

March 8, 2021

The Honorable Rollan A. Roberts
West Virginia Senate
Building 1, Room 217-W
Charleston, West Virginia 25305

Dear Senator Roberts:

I hereby appoint you as Vice Chairman of the Committee on Education effective immediately.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "C. P. Blair".

Craig P. Blair
President

CPB:mp

cc: Lee Cassis, Clerk

CRAIG P. BLAIR
SENATE PRESIDENT-LIEUTENANT GOVERNOR



304-357-7801
CRAIG.BLAIR@WVSENATE.GOV

STATE CAPITOL, ROOM M-227
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800

March 8, 2021

The Honorable Ryan Weld
Majority Whip
West Virginia Senate
Building 1, Room 216-W
Charleston, West Virginia 25305

Dear Senator Weld:

I hereby appoint you to the Committee on Education effective immediately.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Craig P. Blair".

Craig P. Blair
President

CPB:mp

cc: Lee Cassis, Clerk

CRAIG P. BLAIR
SENATE PRESIDENT-LIEUTENANT GOVERNOR



304-357-7801
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STATE CAPITOL, ROOM M-227
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800

March 8, 2021

The Honorable Jack David Woodrum
West Virginia Senate
Building 1, Room 229-W
Charleston, West Virginia 25305

Dear Senator Woodrum:

I hereby appoint you as Chairman of the Committee on Interstate Cooperation effective immediately.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "C.P. Blair".

Craig P. Blair
President

CP:mp

cc: Lee Cassis, Clerk

CRAIG P. BLAIR
SENATE PRESIDENT-LIEUTENANT GOVERNOR



304-357-7801
CRAIG.BLAIR@WVSENATE.GOV

STATE CAPITOL, ROOM M-227
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800

March 8, 2021

The Honorable Patrick Martin
West Virginia Senate
Building 1, Room 213-W
Charleston, West Virginia 25305

Dear Senator Martin:

I hereby appoint you to the Committee on Interstate Cooperation effective immediately.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "C. P. Blair".

Craig P. Blair
President

CPB:mp

cc: Lee Cassis, Clerk



CRAIG P. BLAIR
SENATE PRESIDENT-LIEUTENANT GOVERNOR

304-357-7801
CRAIG.BLAIR@WVSENATE.GOV

STATE CAPITOL, ROOM M-227
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800

March 8, 2021

The Honorable Chandler Swope
West Virginia Senate
Building 1, Room 229-W
Charleston, West Virginia 25305

Dear Senator Swope:

I hereby appoint you to the Committee on Pensions effective immediately.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Craig P. Blair".

Craig P. Blair
President

CPB:mp

cc: Lee Cassis, Clerk

CRAIG P. BLAIR
SENATE PRESIDENT-LIEUTENANT GOVERNOR



304-357-7801
CRAIG.BLAIR@WVSENATE.GOV

STATE CAPITOL, ROOM M-227
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800

March 8, 2021

The Honorable Jack David Woodrum
West Virginia Senate
Building 1, Room 229-W
Charleston, West Virginia 25305

Dear Senator Woodrum:

I hereby appoint you to the Committee on Transportation and Infrastructure effective immediately.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "C. P. Blair".

Craig P. Blair
President

CPB:mp

cc: Lee Cassis, Clerk



CRAIG P. BLAIR
SENATE PRESIDENT-LIEUTENANT GOVERNOR

304-357-7801
CRAIG.BLAIR@WVSENATE.GOV

STATE CAPITOL, ROOM M-227
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800

March 8, 2021

The Honorable Charles S. Trump IV
Chair
Committee on the Judiciary
Building 1, Room 210-W
Charleston, West Virginia 25305

Dear Chairman Trump:

At the request of Senator Robert Karnes, I have removed him from the Committee on the Judiciary. Effective immediately, I hereby appoint myself as his replacement as the seventeenth member of the committee to comply with Rule 27 of the Rules of the Senate.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "C.P. Blair".

Craig P. Blair
President

CPB:mp

cc: Lee Cassis, Clerk

At the request of Senator Takubo, unanimous consent being granted, a leave of absence for the day was granted Senator Karnes.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on March 8, 2021:

Senate Bill 353: Senator Hamilton.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on March 8, 2021:

Com. Sub. for Senate Bill 351: Senator Hamilton;

Senate Bill 362: Senator Hamilton;

Senate Bill 437: Senators Plymale and Woelfel;

Senate Bill 493: Senator Nelson;

Senate Bill 514: Senator Jeffries;

Senate Bill 551: Senator Stollings;

Senate Bill 583: Senator Ihlenfeld;

Senate Bill 584: Senator Ihlenfeld;

Senate Bill 590: Senators Baldwin, Caputo, and Stollings;

Senate Bill 591: Senators Baldwin, Beach, Caputo, and Stollings;

Senate Bill 592: Senators Baldwin and Roberts;

Senate Bill 594: Senators Caputo and Stollings;

Senate Bill 595: Senator Smith;

Senate Bill 598: Senators Woelfel and Stollings;

Senate Bill 599: Senators Baldwin, Hamilton, Beach, Caputo, and Stollings;

Senate Joint Resolution 11: Senator Ihlenfeld;

Senate Concurrent Resolution 17: Senator Hamilton;

And,

Senate Resolution 16: Senators Swope, Woelfel, and Roberts.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 2:01 p.m., the Senate adjourned until tomorrow, Wednesday, March 10, 2021, at 11 a.m.

WEDNESDAY, MARCH 10, 2021

The Senate met at 11:02 a.m.

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

Prayer was offered by the Honorable Randy E. Smith, a senator from the fourteenth district.

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

Pending the reading of the Journal of Tuesday, March 9, 2021,

At the request of Senator Weld, 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.

At the request of Senator Takubo, and by unanimous consent, the Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 19, US Army SSG Elson M. Kuhn Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 20, Supporting and celebrating centennial anniversary of Jones Act.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Military.

Senate Concurrent Resolution 21, US Army SGT Charles L. Toppings Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Resolution 17, Memorializing Patrolman Cassie Marie Johnson.

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

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

At the further request of Senator Lindsay, and by unanimous consent, the Senate stood in observance of a moment of silence in recognition of the passing of Patrolman Cassie Marie Johnson.

The question now being on the adoption of the resolution, and on this question, Senator Romano demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 17) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Lindsay, Jeffries, and Phillips regarding the adoption of Senate Resolution 17 were ordered printed in the Appendix to the Journal.

Without objection, the Senate returned to the third order of business.

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

Eng. Com. Sub. for Senate Bill 270, Providing for collection of tax by hotel marketplace facilitators.

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 2906—A Bill to amend and reenact §18-9D-15 of the Code of West Virginia, 1931, as amended, relating to the allocation of money among categories of projects; providing that the School Building Authority's discretion be increased to allow

them to allocate up to ten percent of their annual budget for major projects and improvements to vocational school programs throughout the State.

Referred to the Committee on Education.

The Senate proceeded to the fourth order of business.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 10th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 11), Declaring work stoppage or strike by public employees to be unlawful.

(Com. Sub. for S. B. 12), Relating to local health department accountability.

(Com. Sub. for S. B. 345), Expanding alcohol test and lock program to include offenders with drug-related offense.

(S. B. 358), Removing prohibition on ATMs located in area where racetrack video lottery machines are located.

And,

(S. B. 459), Relating to return of member's paid contributions to heirs after member's death under certain circumstances.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Dean Jeffries,
Chair, House Committee.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 346, Authorizing DMV use electronic means when providing notice for licensees and vehicle owners.

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

Com. Sub. for Senate Bill 346 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17A-2-19 of the Code of West Virginia, 1931, as amended, relating to the use by the Division of Motor Vehicles of electronic means and other alternate means when providing notice.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles H. Clements,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 472, Updating criteria for regulating certain occupations and professions.

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

Com. Sub. for Senate Bill 472 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-

1A-1, §30-1A-2, §30-1A-3, §30-1A-4, §30-1A-5, and §30-1A-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-1A-1a, all relating to regulation of occupations and professions; establishing legislative policy; providing definitions; providing criteria to analyze a required application to regulate an occupation or profession; requiring Performance Evaluation and Research Division to conduct an analysis of application; establishing rebuttable presumption against regulating an occupation or profession absent certain conditions; setting out criteria to assess harms to consumers and possible recommendations that may be instituted against an occupation or profession; providing for an economic study of the recommendations made; setting time frame for the Performance Evaluation and Research Division to conduct analysis and return report; providing for recommendations based on the assessed harm to consumers in the Performance Evaluation and Research Division's report; authorizing additional recommendations and findings by the Joint Standing Committee on Government Organization; requiring additional findings by the Joint Standing Committee on Government Organization be made public; mandating committee's findings and recommendations along with any report be submitted to any committee considering legislation prior to voting; requiring Performance Evaluation and Research Division begin review of existing licenses under certain criteria; providing effective date for licensure review; mandating review of certain licenses annually; requiring annual licensing review to be set by the chairs of the Joint Standing Committee on Government Organization; setting eight-year review schedule; requiring Performance Evaluation and Research Division to report its findings and recommendations to the committee relating to licensing review; establishing effective date for the Performance Evaluation and Research Division to begin reporting its findings and recommendations to the committee; and establishing standards of statutory interpretation relating to government regulation of occupations or professions.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 489, Returning refundable exemption for road construction contractors to State Road Fund.

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

Com. Sub. for Senate Bill 489 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to the consumer sales and service tax and returning the refundable exemption for sales of construction and maintenance materials acquired by a second party for use in Division of Highways projects; specifying duties of Tax Commissioner and Division of Highways; specifying procedure of the exemption; and setting forth calculation of reimbursement.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles H. Clements,
Chair.

The bill (Com. Sub. for S. B. 489), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration

Senate Bill 523, Correcting improper code references.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 529, Correcting improper citation relating to DMV registration.

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

Respectfully submitted,

Charles H. Clements,
Chair.

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Senate Resolution 16, Amending Senate Rule 14 relating to introduction of concurrent resolutions.

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

Respectfully submitted,

Craig Blair,
Chair ex officio.

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

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 2006, Relating to the West Virginia Contractor Licensing Act.

And has amended same.

And,

Eng. Com. Sub. for House Bill 2011, Eliminating any time requirements for part time personnel to work during a working year.

And has amended same.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2013, Relating to the Hope Scholarship Program.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

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

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 2263, Update the regulation of pharmacy benefit managers.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,
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:

By Senator Rucker:

Senate Bill 609—A Bill to amend and reenact §16-2I-1, §16-2I-2, and §16-2I-3 of the Code of West Virginia, 1931, as amended, all relating to the Second Chance at Life Act; requiring that information about the process of chemical abortion be provided to a woman prior to prescribing pharmaceuticals for, or administering, a chemical abortion except in certain emergency circumstances; updating definitions; specifying the woman be informed of the possibility of reversal of a chemical abortion if undertaken within a critical time period; dictating minimum standards for printed materials; and requiring documentation of the procedures required hereby.

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

By Senator Baldwin:

Senate Bill 610—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-10-7d, relating to providing tuition and fee waivers for terms of service completed in West Virginia as AmeriCorps volunteer; specifying programs, conditions, required minimum hours of service, and limitation of semesters applicable; defining nominal value; providing that tuition and fee waivers are in addition to others permitted; authorizing governing boards to establish limits; and authorizing legislative rulemaking for certain purposes.

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

By Senator Weld:

Senate Bill 611—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-28, relating to certified community behavioral health clinics; providing that the state Medicaid agency shall develop, seek approval of, and implement a Medicaid state plan amendment as necessary and appropriate to effectuate a system of certified community behavioral health clinics (CCBHCs); providing that state Medicaid agency, in partnership with the Department of Health and Human Resources' Bureau for Behavioral Health, shall

establish a state certification system for CCBHCs; and providing that all nonprofit comprehensive community mental health centers and comprehensive intellectual disability facilities shall be eligible to apply for certification as a CCBHC.

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

By Senators Ihlenfeld and Hamilton:

Senate Bill 612—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-5a, relating to requiring compensation be made to certain members of the State Police for off-duty time when they are required to be on standby to be called back to work; requiring off-duty State Police officers who are called back to work or appear in court be compensated a minimum amount; and providing a housing cost stipend for those officers who reside in, and are assigned to, one of the top five counties in median monthly housing costs.

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

By Senator Weld:

Senate Bill 613—A Bill to amend and reenact §15-2-5 and §15-2-7 of the Code of West Virginia, 1931, as amended, all relating to adding the classification and base salaries of certain civilian employees of the West Virginia State Police Forensic Laboratory as Evidence Custodians I-IV, Forensic Technicians I-III, Forensic Scientists I-VI, and Forensic Scientist Supervisors I-IV; authorizing the superintendent to appoint a forensic laboratory director; and authorizing the inclusion of certain exempt civilian employees in supplemental pay option.

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

By Senator Lindsay:

Senate Bill 614—A Bill to amend and reenact §51-9-1a of the Code of West Virginia, 1931, as amended, relating to including family court judges in the Judges' Retirement System.

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

By Senators Phillips and Smith:

Senate Bill 615—A Bill to amend and reenact §17-22-4 of the Code of West Virginia, 1931, as amended, relating to the removal of specific statutory restrictions on outdoor advertisement.

Referred to the Committee on Transportation and Infrastructure.

By Senators Phillips, Rucker, and Smith:

Senate Bill 616—A Bill to amend and reenact §22-20-1 of the Code of West Virginia, 1931, as amended, relating to abolishing the environmental advocate within the Department of Environmental Protection.

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

By Senator Azinger:

Senate Bill 617—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, §18-34-2, §18-34-3, §18-34-4, and §18-34-5, all relating to creating the Student Journalist Press Freedom Restoration Act; providing for legislative findings; requiring that the West Virginia Department of Education and the West Virginia Higher Education Policy Commission allow for the free expression of student journalists on campuses of middle schools, high schools, and colleges and universities; providing a framework and parameters for free expression; and allowing for civil actions in the event that this article is violated.

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

By Senator Azinger:

Senate Bill 618—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to the teaching of “divisive acts” and “critical race theory” in West Virginia schools; providing definitions;

prohibiting public schools and charter schools from teaching or training students to believe certain divisive concepts; allowing a teacher to be dismissed or not reemployed for teaching or training students to believe certain divisive concepts; providing certain construction; providing for promulgation of rules; providing for codification; and providing an effective date.

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

By Senator Maynard:

Senate Bill 619—A Bill to repeal §18B-1B-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18B-1-1; to amend and reenact §18B-1-2 and §18B-1-6 of said code; to amend said code by adding thereto a new section, designated §18B-1A-1; to amend said code by adding thereto two new sections, designated §18B-1B-1a and §18B-1B-5a; to amend and reenact §18B-1B-5 of said code; to amend and reenact §18B-1D-1 of said code; and to amend and reenact §18B-2A-1 and §18B-2A-6 of said code, all relating to reforming the system of higher education governance and administration; specifying legislative intent, findings, and purpose; establishing an Office of Post-Secondary Education and defining the powers and duties thereof; updating definitions; authorizing legislative rulemaking; providing financing objectives and a method for apportioning appropriations to the Office of Post-Secondary Education; terminating the Higher Education Policy Commission; reforming the powers and duties of the Chancellor for Higher Education Policy Commission; defining a distressed institution and establishing procedures to ameliorate the situation or close the institution; requiring reports to the Legislature and establishment of performance agreements to promote accountability; restricting the eligibility of certain persons to serve on a board of governors; and redefining qualifications for an institution of higher education to become a university.

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

By Senator Caputo:

Senate Bill 620—A Bill to repeal §21-5G-1, §21-5G-2, §21-5G-3, §21-5G-4, §21-5G-5, §21-5G-6, and §21-5G-7 of the Code of West Virginia, 1931, as amended, relating to worker affiliation with a labor organization.

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

Senator Roberts offered the following resolution:

Senate Concurrent Resolution 22—Requesting the Division of Highways name a portion of West Virginia Route 3, from its crossing of the border of Boone County to the intersection with West Virginia Route 99 in Raleigh County, the “Raymond Jarrell, Jr., Memorial Road”.

Whereas, Raymond Jarrell, Jr., was born on February 15, 1959, to Raymond and Ruth Jarrell; and

Whereas, Raymond Jarrell, Jr., was raised by his grandparents, Carl and Sylvia Jarrell, in Raleigh County, West Virginia, and he attended Raleigh County schools; and

Whereas, Raymond Jarrell, Jr., later became an employee of Raleigh County schools as a bus driver for 28 years and also ran Jarrell Backwoods Towing for 38 years; and

Whereas, Raymond Jarrell, Jr., was a member of the Naoma Methodist Church, was a bookkeeper for the Liberty High School Raiders basketball team, and was known for philanthropic acts to benefit his community that he provided personally and through his business; and

Whereas, Raymond Jarrell, Jr., gained fame from an early age as an expert in marble games, achieving his first national championship in New Jersey in 1972 at the age of 13, for which he was recognized in the New York Times; and

Whereas, Raymond Jarrell, Jr., went on to play for the Marble King team sponsored by the famous Marble King company of Paden City, West Virginia, and eventually he won the title of World Marble Champion five times in competitions held in Tinsley Green, England;

Whereas, Raymond Jarrell, Jr., passed away August 10, 2019, and was buried at Adkins Cemetery in his home community of Naoma, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate Raymond Jarrell, Jr., and his contributions to his community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of West Virginia Route 3, from its crossing of the border of Boone County to the intersection with West Virginia Route 99 in Raleigh County, the “Raymond Jarrell, Jr., Memorial Road”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the portion of road as the “Raymond Jarrell, Jr., Memorial Road”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs reading “Home of Raymond Jarrell, Jr., Five-Time World Marble Champion” to be placed with the present signs identifying the unincorporated community of Naoma, Raleigh County, 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 Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senator Hamilton offered the following resolution:

Senate Resolution 18—Congratulating the people of Pocahontas County on its bicentennial.

Whereas, On December 21, 1821, the Virginia General Assembly created a new county to be called Pocahontas; and

Whereas, Pocahontas County was the forebearer of the Governor at that time, Thomas Mann Randolph; and

Whereas, Pocahontas County became one of the original counties of West Virginia in 1863; and

Whereas, Pocahontas County is known far and wide for its scenic beauty and as the home of the Green Bank Observatory, the Cass Scenic Railroad, and Snowshoe Ski Resort; and

Whereas, Pocahontas County is celebrating its bicentennial in 2021; therefore be it

Resolved by the Senate:

That the Senate congratulates the people of Pocahontas County on its bicentennial; and, be it

Further Resolved, That the Senate acknowledges this historical occasion and extends its best wishes to the people of Pocahontas County; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the County Commission of Pocahontas County.

Which, under the rules, lies over one day.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the fourth order of business.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 621 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §47-11E-1, §47-11E-2, §47-11E-3, §47-11E-4, and §47-11E-5 of the Code of West Virginia, 1931, as amended, all relating to covenants not to compete between physicians, physician’s assistants, or advanced practice registered nurses and employers; defining terms; setting forth prohibition against contract terms; providing for enforceability of other contract terms; providing for exemptions; and setting forth an effective date.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 466, Relating generally to appraisal management companies.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 466) passed with its title.

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

Eng. Com. Sub. for Senate Bill 475, Dedicating certain fees collected by Division of Labor to General Revenue Fund.

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

Pending extended discussion and a point of inquiry to the President,

The question being “Shall Engrossed Committee Substitute for Senate Bill 475 pass?”

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—20.

The nays were: Baldwin, Beach, Caputo, Hamilton, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Stover, Unger, and Woelfel—13.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 475) passed with its title.

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

Eng. Com. Sub. for Senate Bill 517, Relating to sunset provisions of legislative rules.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 517) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 517) 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 House Bill 2001, Relating generally to creating the West Virginia Jumpstart Savings Program.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2001) passed.

The following amendment to the title of the bill, from the Committee on Education, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2001—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §11-21-12m and §11-21-25; to amend said code by adding thereto a new section, designated §11-24-10a; to amend said code by adding thereto a new article, designated §18-30A-1, §18-30A-2, §18-30A-3, §18-30A-4, §18-30A-5, §18-30A-6, §18-30A-7, §18-30A-8, §18-30A-9, §18-30A-10, §18-30A-11, §18-30A-12, §18-30A-13, §18-30A-14, §18-30A-15, and §18-30A-16, all relating generally to creating the West Virginia Jumpstart Savings Program; providing a short title; providing legislative findings; defining terms; requiring the program to be operable by a certain date; creating the West Virginia Jumpstart Savings Board; establishing requirements for board membership, appointment, and procedures; allowing board members to be reimbursed for reasonable expenses; establishing the powers of the board; authorizing the board to promulgate legislative rules; establishing the duties and powers of the Treasurer related to the program; establishing the Jumpstart

Savings Trust and Trust Fund and requirements for said fund; establishing the Jumpstart Savings Expense Fund and establishing requirements for said fund; authorizing the board to use financial organizations as program depositories and managers and providing requirements therefor; establishing requirements for opening a Jumpstart Savings account and making deposits to an account; authorizing the Treasurer to make a deposit into a newly opened Jumpstart Savings account when certain conditions are met; providing requirements for distributions from an account; specifying when a distributee is entitled to tax benefits; providing that a change in account beneficiary is not a distribution if the new beneficiary is a family member of the previous beneficiary; providing when expenditures of account distributions are qualified expenses; allowing a personal income tax decreasing modification for certain contributions to an account and allowing said modification to be carried forward over five years; allowing a personal income tax decreasing modification for distributions from an account used for qualified expenses; allowing a personal income tax decreasing modification for a rollover of distributions from a college savings account to a Jumpstart Savings account; allowing a personal income tax decreasing modification for a rollover of distributions from a Jumpstart Savings account to a West Virginia ABLE account; allowing a tax credit against personal income tax or corporate net income tax for certain matching contributions to accounts of employees; providing reporting and auditing requirements for the Jumpstart Savings Program; authorizing certain training and educational entities and employers to share information with the board and the Treasurer related to program participation; exempting certain personal information regarding program participants from disclosure under the state's Freedom of Information Act; limiting liability of the Treasurer, the board, and the state related to the program; and requiring the board to promulgate certain legislative rules.

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 314, Regulating pawnbrokers.

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

Com. Sub. for Senate Bill 303, Creating Local Government Labor and Consumer Marketing Regulatory Limitation Act.

Senate Bill 437, Extending contingent increase of tax rate on certain eligible acute care hospitals.

Com. Sub. for Senate Bill 493, Issuing license suspensions to insurance producers and adjusters who fail to meet CE requirements.

Senate Bill 494, Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund.

Senate Bill 496, Relating to punishment for second or third degree felony.

And,

Com. Sub. for Senate Bill 514, Providing criteria for Natural Resource Commission appointment and compensation.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Woelfel, Azinger, Ihlenfeld, and Lindsay.

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

At the request of Senator Romano, unanimous consent being granted, the remarks by Senator Ihlenfeld were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Takubo, and by unanimous consent, a leave of absence for the day was granted Senator Karnes.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bill on March 9, 2021:

Senate Bill 594: Senators Caputo, Ihlenfeld, and Stollings.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on March 9, 2021:

Senate Bill 346: Senator Jeffries;

Com. Sub. for Senate Bill 351: Senator Azinger;

Senate Bill 400: Senator Maroney;

Senate Bill 408: Senator Maroney;

Senate Bill 489: Senator Jeffries;

Senate Bill 512: Senator Hamilton;

Senate Bill 599: Senators Woelfel and Maroney;

Senate Bill 602: Senator Clements;

Senate Joint Resolution 1: Senator Maroney;

Senate Joint Resolution 3: Senator Maroney;

Senate Joint Resolution 5: Senator Maroney;

Senate Joint Resolution 7: Senator Maroney;

Senate Joint Resolution 8: Senator Maroney;

Senate Joint Resolution 11: Senator Maroney;

Senate Concurrent Resolution 10: Senator Maroney;

Senate Concurrent Resolution 12: Senator Maroney;

Senate Concurrent Resolution 19: Senators Stollings, Jeffries, and Maroney;

Senate Concurrent Resolution 20: Senators Stollings and Maroney;

And,

Senate Concurrent Resolution 21: Senator Jeffries.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:06 p.m., the Senate adjourned until tomorrow, Thursday, March 11, 2021, at 11 a.m.

THURSDAY, MARCH 11, 2021

The Senate met at 11:01 a.m.

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

Prayer was offered by the Honorable David Stover, a senator from the ninth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Chandler Swope, a senator from the sixth district.

Pending the reading of the Journal of Wednesday, March 10, 2021,

At the request of Senator Smith, 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 amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 216, Authorizing Department of Commerce to promulgate legislative rules.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof:

§64-10-1. Department of Commerce.

The legislative rule filed in the State Register on August 25, 2020, authorized under the authority of §5B-1-9(p) of this code, modified by the Department of Commerce to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 10, 2020, relating to the Department of Commerce (tourism development districts, 145 CSR 16), is authorized with the following amendment:

On page 7, subsection 4.18.2., following the semi-colon, by inserting the word “and”;

On page 8, by striking out subsection 4.18.3. in its entirety;

And,

By renumbering the remaining subsection.

§64-10-2. Division of Labor.

The legislative rule filed in the State Register on August 24, 2020, authorized under the authority of §21-3-7 of this code, relating to the Division of Labor (high pressure steam boiler and forced flow steam generator requirements, 42 CSR 03), is authorized with the following amendments:

On page 13, Section 12.2, by striking out “\$50.00” and inserting in lieu thereof “\$35.00”;

On page 13, Section 12.5, striking out “\$50.00” and inserting in lieu thereof “\$35.00”;

On page 23, Subsection 14.2.a, by striking out “\$150.00” and inserting in lieu thereof “\$100.00”;

On page 23, Subsection 14.2.b, by striking out “\$200.00” and inserting in lieu thereof “\$150.00”;

On page 23, Subsection 14.2.c, by striking out “\$250.00” and inserting in lieu thereof “\$175.00”;

On page 23, Subsection 14.2.d, by striking out “\$250.00” and inserting in lieu thereof “\$175.00”;

On page 23, Section 14.3, by striking out “\$50.00” and inserting in lieu thereof “\$35.00”;

On page 23, Section 14.4, by striking out “\$90.00” and inserting in lieu thereof “\$35.00”;

On page 24, Section 14.5, by striking out “\$50.00” and inserting in lieu thereof “\$35.00”;

On page 24, Section 14.6, by striking out “\$50.00” and inserting in lieu thereof “\$20.00”;

On page 24, Section 14.7, by striking out “\$90.00” and inserting in lieu thereof “\$70.00”;

And,

On page 24, Section 14.8, by striking out “\$90.00” and inserting in lieu thereof “\$70.00”.

§64-10-3. Office of Miners’ Health, Safety, and Training.

The legislative rule filed in the State Register on August 19, 2020, authorized under the authority of §22A-1-6 of this code, relating to the Office of Miners’ Health, Safety, and Training (rule governing the submission and approval of a comprehensive mine safety program for coal mining operations in the State of West Virginia, 56 CSR 08), is authorized.

§64-10-4. Division of Natural Resources.

(a) The legislative rule filed in the State Register on February 26, 2020, authorized under the authority of §20-3-3a of this code, relating to the Division of Natural Resources (Cabwaylingo State Forest trail system two-year pilot program permitting ATV’s and ORV’s, 58 CSR 36), is authorized.

(b) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §20-1-7(31) of this code, relating to the Division of Natural Resources (defining the terms used in all hunting and trapping, 58 CSR 46), is authorized.

(c) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §20-1-7(31) of this code, modified by the Division of Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and

refiled in the State Register on September 29, 2020, relating to the Division of Natural Resources (deer hunting rule, 58 CSR 50), is authorized with the following amendment:

On page 3, subsection 3.10, after the word “season”, by striking out the remainder of the sentence.

(d) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §20-1-7(31) of this code, relating to the Division of Natural Resources (special migratory game bird hunting, 58 CSR 56), is authorized.

(e) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §20-1-7(31) of this code, relating to the Division of Natural Resources (special waterfowl hunting, 58 CSR 58), is authorized.

§64-10-5. Division of Rehabilitation Services.

The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §18-10L-6 of this code, relating to the Division of Rehabilitation Services (Ron Yost Personal Assistance Services Act Board, 198 CSR 01), is authorized.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 216—A Bill to amend and reenact §64-10-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Commerce to promulgate legislative rules; authorizing the rules as filed, as modified, and as amended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Commerce to promulgate a legislative rule relating to tourism development districts; authorizing the Division of Labor to promulgate a legislative rule relating to high pressure steam boiler and forced

flow steam generator requirements; authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rule governing the submission and approval of a comprehensive mine safety program for coal mining operations in the State of West Virginia; authorizing the Division of Natural Resources to promulgate a legislative rule relating to Cabwaylingo State Forest trail system two-year pilot program permitting ATV's and ORV's; authorizing the Division of Natural Resources to promulgate a legislative rule relating to defining the terms used in all hunting and trapping; authorizing the Division of Natural Resources to promulgate a legislative rule relating to deer hunting rule; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special migratory game bird hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting; and authorizing the Division of Rehabilitation Services to promulgate a legislative rule relating to Ron Yost Personal Assistance Services Act Board.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 216, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Azinger, Baldwin, Karnes, Romano, and Woelfel—5.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 216) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Azinger, Baldwin, Karnes, Romano, and Woelfel—5.

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. 216) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 272, Relating to WV Employment Law Worker Classification Act.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page seven, section four, line fifty-eight, after the word “employees;” by striking out the word “or”.

On page seven, section four, line sixty, after the word “the”, by striking out the word “services” and the period, and inserting in lieu thereof the words “services; or”.

On page seven, section four, line sixty, after the words “services; or”, by inserting a new subdivision to read as follows:

“(J) The person satisfies the definition of a direct seller under Section 3508(b)(2) of the Internal Revenue Code of 1986.”;

On page seven, section four, line sixty one, in subsection (b) by striking the words; “All workers who do not satisfy the criteria set forth in subsection (a) of this section shall be classified as employees” and inserting in lieu thereof the words, “The classification of all workers who do not satisfy the criteria set forth in subsection (a) of this section shall be determined by the test set forth in Internal Revenue Service Rev. Ruling 87-41, for purposes of classifying workers under the laws”;

And,

On page six, line thirty-two, after the word, “work.”, by inserting the following words: “*Provided*, That the required deployment, implementation, or use of any safety improvement by an independent contractor as required by contract or otherwise shall not be considered when evaluating status as an employee or independent contractor under any state law. For purposes of this section, safety improvement shall mean any device, equipment, software, technology, procedure, training, policy, program, or operational practice intended and primarily used to improve or facilitate compliance with state, federal or local safety laws or regulations or general safety concerns.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 272, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Boley, Clements, Grady, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—19.

The nays were: Beach, Caputo, Hamilton, Ihlenfeld, Jeffries, Lindsay, Plymale, Stollings, Stover, and Unger—10.

Absent: Azinger, Baldwin, Karnes, Romano, and Woelfel—5.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 272) passed with its title.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 277, Creating COVID-19 Jobs Protection Act.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 7, Section 6, lines 4 and 5, by striking out the words “filed by” and inserting in lieu thereof, the words “awarded to”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 277—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-19-1, §55-19-2, §55-19-3, §55-19-4, §55-19-5, §55-19-6, §55-19-7, §55-19-8, and §55-19-9 all relating generally to creating the COVID-19 Jobs Protection Act; designating a short title; making legislative findings; setting forth legislative purposes; defining terms; prohibiting certain claims against persons or entities arising from COVID-19, COVID-19 care, or impacted care; extinguishing liability for death or personal

injury related to the design, manufacture, or labeling of supplies or personal protective equipment either sold or donated; creating an exception to the extinguishment of claims for persons having actual knowledge of a product defect acting with conscious, reckless, and outrageous indifference to a substantial and unnecessary risk or with actual malice; providing that, when a claim for workers' compensation benefits is awarded to an employee pursuant to §23-1-1 *et seq.* of this code for a work-related injury, disease, or death caused by or arising from COVID-19 in the course of and resulting from covered employment, such claim for workers' compensation benefits shall be the sole and exclusive remedy for such injury, disease, or death; providing that, except for §55-19-5 and §55-19-6, limitations on liability shall not apply to any person, employee or agent, who engaged in intentional conduct with actual malice; providing for severability of provisions; adding retro activity of act to January 1, 2020; clarifying that no new cause of action is created nor defense limited by the act; and clarifying that the article does not affect duties or rights arising from contract.

Senator Takubo moved that the Senate concur in the House of Delegates amendments to the bill.

Following discussion,

The question being on the adoption of Senator Takubo's aforestated motion, the same was put and prevailed.

Engrossed Committee Substitute for Senate Bill 277, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Boley, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—26.

The nays were: Beach, Caputo, Lindsay, and Romano—4.

Absent: Azinger, Baldwin, Karnes, and Woelfel—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 277) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Boley, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—26.

The nays were: Beach, Caputo, Lindsay, and Romano—4.

Absent: Azinger, Baldwin, Karnes, and Woelfel—4.

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. 277) takes effect from passage.

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

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

Eng. Senate Bill 296, Relating generally to repealing certain rules.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 338, Creating Fire Service Equipment and Training Fund.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the changed effective date, to take effect from passage, of

Eng. Senate Bill 372, Providing greater discretion to WV Board of Medicine to approve graduate clinical training.

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

Eng. Com. Sub. for House Bill 2674—A Bill to amend and reenact §30-7-15 of the Code of West Virginia, 1931, as amended, relating to the administration of anesthetics.

Referred to the Committee on Health and Human Resources.

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 2957—A Bill to repeal §5-20-1, §5-20-2, §5-20-3, §5-20-4, §5-20-5, §5-20-6, §5-20-7, §5-20-8, and §5-20-9, of the Code of West Virginia, 1931, to repeal §5A-2A-1, §5A-2A-2, §5A-2A-3, and §5A-2A-4, of said code, and to repeal §16-6-13, and §16-6-22a of said code, all relating to the repeal of outdated code sections.

Referred to the Committee on Government Organization.

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 2958—A Bill to repeal §10-1-10 of the Code of West Virginia, 1931, as amended; to repeal §19-2A-5 of said code; to repeal §31-3-1, §31-3-2, §31-3-3, §31-3-4, §31-3-5, §31-3-6, §31-3-7, §31-3-8, §31-3-9, §31-3-10, §31-3-11 of said code; to repeal §31-15-12a of said code; and to repeal §34-1-11 of said code, all relating to repealing outdated sections of state code.

Referred to the Committee on Government Organization.

Executive Communications

The Clerk then presented the following communications from His Excellency, the Governor, regarding bills approved by him:



Jim Justice
Governor of West Virginia

March 10, 2021

The Honorable Lee Cassis, Clerk
West Virginia Senate
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Committee Substitute for Senate Bill No. Fourteen (14), which was presented to me on March 4, 2021.

You will note that I have approved this bill on March 10, 2021.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk



Jim Justice
Governor of West Virginia

March 10, 2021

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

House Bill No. Two Thousand Two Hundred Sixty-Two (2262), which was presented to me on March 4, 2021.

You will note that I have approved this bill on March 10, 2021.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mh
cc: The Honorable Lee Cassis

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 318 (originating in the Committee on Government Organization), Relating generally to public notice of unclaimed property held by State Treasurer.

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

Com. Sub. for Com. Sub. for Senate Bill 318 (originating in the Committee on Finance)—A Bill to amend and reenact §36-8-9 of the Code of West Virginia, 1931, as amended, relating generally to public notice of unclaimed property held by the State Treasurer; eliminating the requirement that the Treasurer publish the unclaimed property registry in newspapers; requiring the Treasurer to publish a searchable database of persons appearing to be the owners of unclaimed property, to be updated every six months; requiring the Treasurer to publish an annual advertisement regarding unclaimed property in a newspaper of general circulation in certain counties; and setting forth required content for said advertisement.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
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 500, Prohibiting intimidation and retaliation against public officers and employees, jurors, and witnesses.

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

Com. Sub. for Senate Bill 500 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-5-27 of the Code of West Virginia, 1931, as amended, relating to the criminal offense of intimidation of, and retaliation against, public officers and employees, jurors, and witnesses; and including threats within behavior of the offense of intimidation or harassment.

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 518, Relating to grounds for administrative dissolution of certain companies, corporations, and partnerships.

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

Com. Sub. for Senate Bill 518 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §31B-8-809 of the Code of West Virginia, 1931, as amended; to amend and reenact §31D-14-1420 of said code; to amend and reenact §31E-13-1320 of said code; and to amend and reenact §47-9-10a of said code, all relating to grounds for administrative dissolution of a limited liability company, corporation, nonprofit corporation, and limited

partnership; providing an application process for reinstatement; and providing for an appeal process for these entities.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

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

Senate Bill 542, Relating to Public Energy Authority Act of WV.

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

Com. Sub. for Senate Bill 542 (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §5D-1-2 and §5D-1-5 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §5D-1-5c and §5D-1-5d; and to amend said code by adding thereto a new section, designated §24-2-21, all relating to the Public Energy Authority Act of West Virginia; providing procedures to ensure that no more coal-fired plants close and long-term state prosperity is maintained; providing legislative findings; establishing additional powers, duties, and responsibilities of the West Virginia Public Energy Authority related to grid stability and homeland security; establishing requirements for public utilities to maintain maximum output, to the extent feasible, and to submit comprehensive operational plans to the West Virginia Public Energy Authority and Public Service Commission of West Virginia; providing for advance notification of retirement, shutdown, or sale of electricity generating units; and providing

criteria for the commission to consider in approving retirement, shutdown, or sale of electricity generating units.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Randy E. Smith,
Chair.

The bill (Com. Sub. for S. B. 542), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2009, Relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities.

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.

Senator Roberts, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

Eng. Com. Sub. for House Bill 2290, Initiating a State Employment First Policy to facilitate integrated employment of disabled persons.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Rollan A. Roberts,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on the Workforce pending.

The Senate proceeded to the sixth order of business.

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

By Senator Trump:

Senate Bill 622—A Bill to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to increasing the compensation of elected county officials.

Referred to the Committee on Government Organization.

By Senator Azinger:

Senate Bill 623—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, §16-2Q-2, §16-2Q-3, §16-2Q-4, §16-2Q-5, §16-2Q-6, §16-2Q-7, §16-2Q-8, §16-2Q-9, §16-2Q-10, and §16-2Q-11, all relating to enacting the Fetal Heartbeat Act; prohibiting abortions when a fetal heartbeat is detected; providing that the article applies only to intrauterine pregnancies; providing for exceptions; making

certain findings; providing for severability; establishing standards, requirements, and procedures; requiring documentation; requiring notice and acknowledgments; establishing criminal penalties; permitting civil actions; defining terms; and providing for rulemaking.

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

By Senator Phillips:

Senate Bill 624—A Bill to amend and reenact §8-29A-3 of the Code of West Virginia, 1931, as amended, relating to prohibiting county airport authorities from making or adopting rules prohibiting possession of firearms in public, nonsecure areas.

Referred to the Committee on the Judiciary.

By Senator Nelson:

Senate Bill 625—A Bill to amend and reenact §8-22-20 of the Code of West Virginia, 1931, as amended, relating to the amortization of annual impacts on funding deficiencies due to new gains or losses on assets and liabilities and changes in actuarial assumptions.

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

By Senators Trump and Weld:

Senate Bill 626—A Bill to amend and reenact §61-3-49 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-3-49c, all relating to the purchase and possession of certain scrap metal; updating the regulation of the purchase of automobile catalytic converters; requiring certain evidence and documentation from a seller of an automobile catalytic converter; placing restrictions on the payment for automobile catalytic converters; placing restrictions on the sale or transfer of an automobile catalytic converter by a scrap metal dealer; creating the criminal offense of possession of a catalytic

converter without proof of ownership or authority to possess; and establishing criminal penalties.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 627—A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder resulting from an event or events that occurred during their employment; providing for diagnosis; noting that treatment can be conducted by other licensed mental health professionals once the initial diagnosis has been made by a psychiatrist; making benefits and employer immunity contingent on employers adding PTSD to their scope of workers' compensation coverage; and requiring the Office of the Insurance Commissioner to report annually to the Legislature on first responder PTSD claims.

Referred to the Committee on Banking and Insurance.

By Senator Sypolt:

Senate Bill 628—A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to motor vehicles subject to a lease of at least one year by the United States, the state, any county, municipality, political subdivision, college, or university of this state and used for public purposes is considered public property and exempt from ad valorem taxation.

Referred to the Committee on Finance.

By Senator Caputo:

Senate Bill 629—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, relating to enacting the Closed Captioning Act; requiring public places that have televisions for use by the public to have at least one half of those televisions to have their closed captioning feature activated at all times; providing an exception; defining terms; and establishing an effective date.

Referred to the Committee on Government Organization.

By Senators Martin and Phillips:

Senate Bill 630—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-10a, relating to declaring the sale, repair, maintenance, and manufacture of firearms, ammunition, and related accessories and components, to be “essential” businesses and services for the purposes of safety and security in times of declared emergency or any other statutorily authorized responses to disaster, war, acts of terrorism, riot or civil disorder, or other emergencies; prohibiting specific governmental regulation of firearms, ammunition, components or accessories of any kind or nature, or their use or possession; extending the expiration date of concealed license during emergencies; creating an action for damages, injunctive relief, declaratory relief, or other appropriate redress for the unlawful seizure or confiscation of firearms or related accessories and components; and providing for civil damages.

Referred to the Committee on the Judiciary.

By Senator Caputo:

Senate Bill 631—A Bill to amend and reenact §3-3-1 and §3-3-2 of the Code of West Virginia, 1931, as amended, all relating to absentee voting; removing specifications for permission to vote by absentee ballot; and allowing all voters to request and vote by absentee ballot.

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

By Senator Swope:

Senate Bill 632—A Bill to amend and reenact §17A-11-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-6-10 of said code; to amend and reenact §17C-17-10 of said code; to amend and reenact §17E-1-24 of said code; to amend and reenact §24A-7-6 and §24A-7-7 of said code; and to amend and reenact §30-29-1 and §30-29-5 said code, all relating to changing the term “motor carrier inspectors” to “commercial

vehicle enforcement officers” to reflect the additional training these officers are now required to receive; and removing the inconsistency between code sections.

Referred to the Committee on Government Organization.

Senators Stollings and Phillips offered the following resolution:

Senate Concurrent Resolution 23—Requesting the Division of Highways name bridge number 22-007/00-021.18 (22A153), locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the “U.S.M.C. CPL Guy Maywood Edwards Memorial Bridge”.

Whereas, Guy Maywood Edwards was born on September 13, 1918, in Myra, West Virginia, to Hiram Otho Edwards and Elmyra Elizabeth Porter Edwards; and

Whereas, Guy Maywood Edwards graduated from Hamlin High School and enlisted in the U.S. Marine Corps during the winter of 1942; and

Whereas, Corporal Edwards was serving with the Fourth Division of the Marines and, despite having been wounded in October 1944, on Saipan in the Marina Islands, landed on Iwo Jima on February 20, 1945, ready for duty. CPL Guy Maywood Edwards was killed in action six days later on February 26, 1945; and

Whereas, CPL Guy Maywood Edwards’ brother, PFC Donald Edwards, was also serving in the Fourth Marine Division on Iwo Jima and was wounded on February 28, 1945; and

Whereas, It is fitting that an enduring memorial be established to commemorate CPL Guy Maywood Edwards and his sacrifice 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 22-007/00-021.18 (22A153), locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the “U.S.M.C CPL Guy Maywood Edwards 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.M.C. CPL Guy Maywood Edwards 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.

Senator Martin offered the following resolution:

Senate Concurrent Resolution 24—Requesting the Division of Highways name bridge number 17-019/00-016.27 (17A076), locally known as Point Comfort Bridge, carrying US 19 over the West Fork River in Harrison County, the “U.S. Navy S1 Paul McCue Bridge”.

Whereas, Paul McCue is a long-time resident of Clarksburg, West Virginia, who proudly enlisted in the U.S. Navy in 1943 at the age of 17, serving until 1946 and attaining the rank of Seaman First Class; and

Whereas, S1 Paul McCue served honorably throughout World War II in the Pacific as a member of the Navy amphibious force on a landing ship tank, surviving a submarine attack in the Philippines; and

Whereas, After his war service, S1 Paul McCue continued to serve his community as a constable and deputy sheriff; and

Whereas, S1 Paul McCue continues to live a life of service and giving spending much of his time speaking in churches and

schools, educating young people about World War II, as well as the importance of patriotism and serving our country; and

Whereas, S1 Paul McCue has educated people about the Wereth 11, a heroic group of African-American soldiers who were massacred by the Nazis during the Battle of the Bulge, and strives to ensure that this group of unsung American heroes will not be forgotten; and

Whereas, S1 Paul McCue is a 94-years young World War II combat veteran that received the Philippine Defense and Liberation medals; and

Whereas, Now, 75 years after the end of World War II, we take great pleasure in honoring the life and service of SN 1 Paul McCue for his valor and heroism; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to bridge number 17-019/00-016.27 (17A076), locally known as Point Comfort Bridge, carrying US 19 over the West Fork River in Harrison County, the “U.S. Navy S1 Paul McCue 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. Navy S1 Paul McCue 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.

Senator Blair (Mr. President) offered the following resolution:

Senate Resolution 19—Reaffirming the sister-state partnership between the State of West Virginia and Taiwan.

Whereas, The Republic of China (Taiwan) and the United States have enjoyed a longstanding partnership and share the common values of freedom, democracy and human rights. In 2020, Taiwan was ranked as the 2nd freest country in Asia by Freedom House, and was ranked 11th among 180 world economies in terms of economic freedom by the Heritage Foundation, demonstrating the strength and vitality of its democratic system and showcasing Taiwan as a beacon of democracy in East Asia; and

Whereas, The State of West Virginia is proud of the sister-state partnership it has enjoyed with Taiwan since August 4, 1980, marked by strong bilateral trade, educational and cultural exchanges. In 2021, the State of West Virginia celebrates the 41st anniversary of the sister-state partnership with Taiwan and looks forward to an even closer relationship between West Virginia and Taiwan in the future; and

Whereas, Taiwan has effectively contained the spread of COVID-19 through advanced deployment and the provision of open and transparent information. The Taiwan model of COVID-19 prevention has become an internationally recognized paradigm for effectively containing the spread of the pandemic. In 2020, Taiwan donated 30,000 surgical face masks to the State of West Virginia to protect frontline health workers, demonstrating that Taiwan stands strong with the Mountain State in the face of difficult times; and

Whereas, In 2019, the bilateral trade between West Virginia and Taiwan amounted to nearly \$94.5 million and Taiwan is our seventh-largest export market in Asia, demonstrating that Taiwan is an important trading partner of West Virginia; and

Whereas, West Virginia welcomes all opportunities for an even closer economic partnership to increase trade and investment, supports Taiwan's effort to secure the signing of a U.S.-Taiwan Bilateral Trade Agreement (BTA) to boost greater West Virginia exports to Taiwan and considers it recommendable to re-open a trade office in Taiwan to bring in more Taiwanese investment such

as the \$34 million project which Far Eastern New Century Corporation introduced in 2018; and

Whereas, The United States and Taiwan have forged ever stronger economic and security relations over the last four decades based on their shared commitment to democracy, the rule of law and free market principles; with the United States now Taiwan's second-largest trading partner and second-largest destination of Taiwan outward investment; and with Taiwan now the 9th largest trading partner of the United States and a key destination for United States agricultural exports; and

Whereas, In the 2019/20 academic year, 23,724 students from Taiwan studied in the U.S., making Taiwan the seventh-leading place of origin for students coming to the U.S. and contributed more than \$991 million to the U.S. economy, through their spending on tuition, accommodation and living expenses. On December 2, 2020, the American Institute in Taiwan and TECRO inked an MOU on International Education Cooperation, aiming at enhancing the cooperation and collaboration between the U.S. and Taiwan on international education, particularly in the area of language education. West Virginia welcomes more opportunities for educational exchanges with Taiwan; and

Whereas, Taiwan has been proven to be a very valuable contributor in a broad range of global issues, and it is necessary for Taiwan to be granted access to meaningfully participate in various international organizations including the World Health Organization (WHO), International Civil Aviation Organization (ICAO), United Nation Framework Convention on Climate Change (UNFCCC), and International Criminal Police Organization (INTERPOL); and

Resolved by the Senate:

That the Senate hereby reaffirms the sister-state partnership between the State of West Virginia and Taiwan; and, be it

Further Resolved, That the Senate expresses its support for a Bilateral Trade Agreement (BTA) between the United States and the Republic of China (Taiwan) and support for Taiwan's meaningful participation and contributions in international organizations; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Honorable James C. Justice II, Governor of West Virginia, and Ms. Bi-khim Hsiao, Representative of the Taipei Economic and Cultural Representative Office in the United States.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 22, Raymond Jarrell, Jr., Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Resolution 16, Amending Senate Rule 14 relating to introduction of concurrent resolutions.

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

The question being on the adoption of the resolution, the same was put and prevailed.

Senate Resolution 18, Congratulating Pocahontas County on its bicentennial.

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 314, Regulating pawnbrokers.

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 314 pass?”

On the passage of the bill, the yeas were: Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—28.

The nays were: Martin and Maynard—2.

Absent: Azinger, Baldwin, Karnes, and Woelfel—4.

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. 314) 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 303, Creating Local Government Labor and Consumer Marketing Regulatory Limitation Act.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Senate Bill 437, Extending contingent increase of tax rate on certain eligible acute care hospitals.

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 493, Issuing license suspensions to insurance producers and adjusters who fail to meet CE requirements.

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

Senate Bill 494, Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund.

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

Senate Bill 496, Relating to punishment for second or third degree felony.

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 514, Providing criteria for Natural Resource Commission appointment and compensation.

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

Com. Sub. for Senate Bill 346, Authorizing DMV use electronic means when providing notice for licensees and vehicle owners.

Com. Sub. for Senate Bill 472, Updating criteria for regulating certain occupations and professions.

Senate Bill 523, Correcting improper code references.

Senate Bill 529, Correcting improper citation relating to DMV registration.

Senate Bill 621, Relating to non-compete covenants between certain health care practitioners.

Eng. Com. Sub. for House Bill 2006, Relating to the West Virginia Contractor Licensing Act.

Eng. Com. Sub. for House Bill 2011, Eliminating any time requirements for part time personnel to work during a working year.

And,

Eng. Com. Sub. for House Bill 2263, Update the regulation of pharmacy benefit managers.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Takubo.

The Senate then proceeded to the thirteenth order of business.

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

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on March 10, 2021:

Senate Bill 616: Senator Rucker.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on March 10, 2021:

Senate Bill 297: Senator Plymale;

Senate Bill 512: Senator Plymale;

Senate Bill 534: Senator Nelson;

Senate Bill 564: Senator Lindsay;

Senate Bill 575: Senator Lindsay;

Senate Bill 576: Senator Lindsay;

Senate Bill 589: Senator Lindsay;

Senate Bill 590: Senator Lindsay;

Senate Bill 591: Senator Lindsay;

Senate Bill 592: Senator Lindsay;

Senate Bill 593: Senator Lindsay;

Senate Bill 596: Senator Lindsay;

Senate Bill 598: Senator Lindsay;

Senate Bill 599: Senator Lindsay;

Senate Bill 602: Senator Swope;

Senate Bill 607: Senator Lindsay;

Senate Bill 608: Senator Lindsay;

Senate Bill 610: Senators Ihlenfeld, Woelfel, Stollings, Hamilton, Jeffries, and Lindsay;

Senate Bill 612: Senators Stollings, Caputo, Baldwin, and Lindsay;

Senate Bill 614: Senators Caputo, Hamilton, and Trump;

Senate Bill 620: Senators Ihlenfeld and Lindsay;

Senate Concurrent Resolution 7: Senator Lindsay;

Senate Concurrent Resolution 10: Senator Baldwin;

Senate Concurrent Resolution 11: Senator Lindsay;

Senate Concurrent Resolution 17: Senator Lindsay;

Senate Concurrent Resolution 18: Senator Lindsay;

Senate Concurrent Resolution 19: Senator Lindsay;

Senate Concurrent Resolution 21: Senator Lindsay;

And,

Senate Resolution 18: Senators Stollings, Baldwin, Jeffries, Lindsay, and Woelfel.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:34 a.m., the Senate adjourned until tomorrow, Friday, March 12, 2021, at 11 a.m.

FRIDAY, MARCH 12, 2021

The Senate met at 11:02 a.m.

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

Prayer was offered by the Honorable Patricia Puertas Rucker, a senator from the sixteenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael J. Romano, a senator from the twelfth district.

Pending the reading of the Journal of Thursday, March 11, 2021,

At the request of Senator Maroney, 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 concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Senate Bill 126, Authorizing Department of Administration to promulgate legislative rules.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 2001, Relating generally to creating the West Virginia Jumpstart Savings Program.

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 2598—A Bill to amend and reenact §22-30-3 of the Code of West Virginia, 1931, as amended, relating to modifying an exception to the definition of aboveground storage tank by removing a location requirement for small devices having a capacity of 210 barrels or less.

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 2671—A Bill to amend and reenact §55-7J-1, §55-7J-4, §55-7J-5, and §55-7J-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-2-29b of said code, all relating to financial exploitation of elderly persons, protected persons or incapacitated adults; updating terms; clarifying actions; including criminal penalties for violation or contempt of protective orders for victims of financial exploitation; and requiring notice of penalties in all injunctive or protective orders.

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 2722—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-3-5g, relating to prohibiting the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals; providing definitions; and providing exceptions.

Referred to the Committee on Government Organization.

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 2852—A Bill to amend and reenact §18-9A-15 of the Code of West Virginia, 1931, as amended, relating to distribution of the allowance for increased enrollment; removing mandated distribution of 60 percent of allowance based on projected increased enrollment prior to September 1; authorizing advance at district request prior to availability of actual increased enrollment of partial distribution of up to 60 percent of school districts estimated share; and providing for return of refund of excess distribution.

Referred to the Committee on Education.

Executive Communications

The Clerk presented the following communication from His Excellency, the Governor, regarding bills approved by him:



Jim Justice
Governor of West Virginia

March 11, 2021

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Committee Substitute for House Bill No. Two Thousand Twelve (2012), which was presented to me on March 5, 2021.

You will note that I have approved this bill on March 11, 2021.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis

The Senate proceeded to the fourth order of business.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 12th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 270), Providing for collection of tax by hotel marketplace facilitators.

And,

(Com. Sub. for S. B. 280), Relating to e-commerce modernization.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Dean Jeffries,
Chair, House Committee.

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

Your Committee on Education has had under consideration

Senate Bill 28, Creating Tim Tebow Act.

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

Com. Sub. for Senate Bill 28 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25d, relating to creating the Open and Equal Opportunities in

Student Activities Act; setting forth purpose; defining terms; permitting homeschooled students, Hope Scholarship students, or students enrolled in a nonpublic school, who do not attend a school that is a member of the West Virginia Secondary School Activities Commission or attends a school that does not sponsor, or engage in, an extracurricular activity a student seeks to participate in, to participate in extracurricular activities sponsored by, or engaged in by, certain schools that are members of the West Virginia Secondary School Activities Commission; making students who are participating in extracurricular activities pursuant to this act and who leave a member school during the school year subject to the same transfer protocols that apply to any other member-to-member transfer; setting forth conditions for participation; allowing participation in curricular activities if a requirement of the extracurricular activity; setting forth provisions pertaining to fair treatment for students participating in activities pursuant to this act; requiring that any insurance provided by a district school board for participants in extracurricular activities cover a student participating in extracurricular activities pursuant to this act; and clarifying that act does not guarantee that a student trying out for an interscholastic sport or other extracurricular activity that is under the authority of the West Virginia Secondary School Activities Commission will make the team or become part of another extracurricular activity.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 297, Relating generally to modernizing Board of Treasury Investments.

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

Com. Sub. for Senate Bill 297 (originating in the Committee on Finance)—A Bill to amend and reenact §12-6C-4 and §12-6C-9 of the Code of West Virginia, 1931, as amended, all relating generally to the Board of Treasury Investments; authorizing the board to provide compensation to appointed directors for each meeting attended and establishing the rate thereof; authorizing the board to invest in commercial paper with a certain nationally recognized rating and weighted maturity; providing a minimum weighted average maturity duration for corporate debt rated investment grade in which the board is authorized to invest; authorizing the board to invest in state and local government securities with certain nationally recognized ratings; removing the limitation on the percentage of the Consolidated Fund that the board may invest in certain corporate securities; and eliminating the requirement that the board invest a certain percentage of the Consolidated Fund in obligations guaranteed by the United States.

And,

Senate Bill 502, Providing lifetime hunting, fishing, and trapping license to residents and adopted children under 15.

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

Com. Sub. for Senate Bill 502 (originating in the Committee on Finance)—A Bill to amend and reenact §20-2B-7 of the Code of West Virginia, 1931, as amended, relating to lifetime hunting, fishing, and trapping licenses for residents who have not reached their 15th birthday; providing that residents who have not reached their 15th birthday may be eligible to receive their lifetime hunting, fishing, and trapping license; providing that adopted children who have not reached their 15th birthday may be eligible to receive their

lifetime hunting, fishing, and trapping license; providing that lifetime hunting, fishing, and trapping license fees for adopted children are calculated from the date of adoption decree or order; providing that foster children who have not reached their 15th birthday may be eligible to receive their lifetime hunting, fishing, and trapping license; providing that lifetime hunting, fishing, and trapping license fees for foster children are calculated from the date of entry of the order placing the child in foster care; and providing the Director of the Division of Natural Resources emergency legislative rule-making authority.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 335, Making PROMISE scholarships available for students at accredited community and technical college.

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

Com. Sub. for Senate Bill 335 (originating in the Committee on Education)—A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to PROMISE scholarships; allowing a certain amount of the scholarship to be carried forward for students enrolled in certain community and technical colleges if the cost of tuition is less than \$4,750; allowing the amount carried forward to be applied to the cost of tuition at a baccalaureate program beyond the eight semesters total for which the student would otherwise be eligible to receive the award until the total amount carried forward is depleted; prescribing certain

qualifications applicable for PROMISE scholarships for students pursuing certificates or degrees through an accredited community and technical college education program; and adding drug testing as a qualification for the scholarship.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

The bill (Com. Sub. for S. B. 335), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 388, Creating Office of Quality Assurance and Evaluation within DHHR.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 391, Relating to study of child protective services and foster care workforce.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 431, Relating to school attendance notification requirements to DMV.

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

Com. Sub. for Senate Bill 431 (originating in the Committee on Education)—A Bill to amend and reenact §18-8-11 of the Code of West Virginia, 1931, as amended, relating to authorizing a county board of education to provide electronic notice of school attendance and satisfactory progress to the Division of Motor Vehicles in lieu of requiring each student to provide a paper notice.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 2008, Amending requirements for licensure relating to elevator mechanics, crane operators, HVAC, electricians, and plumbers.

And has amended same.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2013, Relating to the Hope Scholarship Program.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 2616, Amend the reporting to the Governor and the Legislature to have information continuously available on the Office of Health Facility Licensure and Certification's website.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,
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:

By Senator Azinger:

Senate Bill 633—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-8-12a, relating to the Social Media Integrity and Anti-Corruption in Elections Act; providing requirements for social media companies to prevent corruption and provide transparency of election-related content made available on social media websites; providing equal opportunities for all candidates and political parties to speak without policy or partisan-based censorship; setting forth definitions; providing for the protection of the integrity of elections by ensuring election-related content hosted, posted, and made available on social media websites is not

monetized or otherwise used or manipulated for nefarious purposes; and providing civil penalties.

Referred to the Committee on the Judiciary.

By Senator Caputo:

Senate Bill 634—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-29-5a, relating to criminal justice training regarding individuals with autism spectrum disorders; providing for training in appropriate interactions with individuals with autism spectrum disorder; and requiring the Law-Enforcement Professional Standards subcommittee to develop guidelines for law-enforcement and correction officer response to individuals on the autism spectrum who are victims or witnesses to a crime, or suspected or convicted of a crime.

Referred to the Committee on the Judiciary.

By Senator Hamilton:

Senate Bill 635—A Bill to amend and reenact §15A-11-5 of the Code of West Virginia, 1931, as amended, relating to requiring the State Fire Commission to propose rules relating specifically to sprinkler protection for basements exceeding 2,500 square feet in new buildings and new buildings housing emergency fire, rescue, or ambulance services; and exempting emergency services buildings that only house equipment and do not have sleeping areas or quarters within them.

Referred to the Committee on Government Organization.

By Senator Rucker:

Senate Bill 636—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-2E-5 of said code, all relating to required courses to be included in all public, private, parochial, and denominational schools for instruction on the institutions and structure of American government, such as the separation of powers, the Electoral College, and federalism; including instruction that provides

students an understanding of American political philosophy and history, utilizing writings from prominent figures in Western civilization, and offering an objective and critical analysis of ideologies throughout history, including but not limited to capitalism, republicanism, democracy, socialism, communism, and fascism; and requiring the State Board to provide through the statewide assessment program, testing or assessment instruments for the history and civics courses of instruction.

Referred to the Committee on Education.

By Senator Nelson:

Senate Bill 637—A Bill to amend and reenact §11-13A-2 of the Code of West Virginia, 1931, as amended, relating to modifying the definition of minerals as to eliminate salt produced for human consumption from being subject to severance taxation.

Referred to the Committee on Finance.

By Senators Maynard and Smith:

Senate Bill 638—A Bill to amend and reenact §3-4A-9 of the Code of West Virginia, 1931, as amended, relating to electronic voting; and allowing “one button” straight party ticket voting.

Referred to the Committee on the Judiciary.

By Senators Maynard and Smith:

Senate Bill 639—A Bill to amend and reenact §3-1-16 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend and reenact §3-5-6a, §3-5-6d, §3-5-7, §3-5-13, and §3-5-13a of said code; to amend and reenact §3-12-3, §3-12-6, §3-12-10, §3-12-11, and §3-12-12 of said code; to amend and reenact §50-1-1 of said code; to amend and reenact 51-1-1 of said code; and to amend and reenact §51-2A-5 of said code, all relating to elections; removing the prohibition of party affiliation in elections for justices of the Supreme Court of Appeals, circuit court judges, family court judges, and magistrates; and removing the prohibition of party affiliation in elections for board of education candidates.

Referred to the Committee on the Judiciary.

By Senator Takubo:

Senate Bill 640—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9G-3, relating to the Tobacco Cessation Initiative Program; and creating the Tobacco Cessation Initiative Program Special Revenue Account within the State Treasury to be administered by the Director of the Bureau for Public Health.

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

Senators Baldwin and Woodrum offered the following resolution:

Senate Concurrent Resolution 25—Requesting the Division of Highways name bridge number 13-017/02-000.34 (13A250), locally known as Culverson Creek Bridge, carrying CR 17/2 over Culverson Creek in Greenbrier County, the “McClintic Family Bridge”.

Whereas, Alexander McClintock was born in Ireland in 1717 and came to America in 1725. He settled in the Bath County, Virginia, area and revised the spelling of “McClintock” to “McClintic”, most likely because he could not read or write. Alexander McClintic served in the army of General Andrew Lewis and took part in the Battle of Point Pleasant. His name is on the monument commemorating that battle; and

Whereas, Robert McClintic, Alexander McClintic’s youngest son, married Jane Mann, moved to Greenbrier County and settled on the land that borders Culverson Creek in Williamsburg, West Virginia, in 1802. The historic home that is still standing today was built in 1829 for Robert McClintic’s youngest son, Robert Mann McClintic II, who was a Methodist minister, and his wife, Mary Griffin (Leonard) McClintic; and

Whereas, Michael Leonard McClintic was the 10th child of Robert and Mary McClintic. He and his wife, Laura Jane Lynch,

later took over the house after the passing of Michael McClintic's parents. They raised nine children in the home and the eldest was Clifton Forest McClintic; and

Whereas, Dr. Clifton Forest McClintic was born on August 9, 1884, in the home at Williamsburg along Culverson Creek. Dr. McClintic graduated from Randolph-Macon College, and received his medical degree from Cincinnati. He served as the West Virginia Director of Conservation Commission, in the West Virginia House of Delegates, as warden of Moundsville Penitentiary, and was appointed State Health Commissioner. The Dr. Clinton F. McClintic Wildlife Station State Park and Management Area in Mason County, West Virginia, bears his name; and

Whereas, Dr. Clifton Forest McClintic never married or had children, and, after his father passed away, he returned home and took over the farm on Culverson Creek. He expanded the farm and remodeled the house. He added cabins along the creek, which he later donated to the Boy Scout Association, and it served for many years as the state camp for boy scouts in West Virginia during the 1940's and 1950's; and

Whereas, Dr. Clifton Forest McClintic died in 1952 and deeded the farm to his nephew, Bunyan Leonard McClintic. "Bun" and his wife, Aena Alice Neely, had nine children: Levi, Patrick, James "Alan", Doris "Gay", Alice "Joan", Wayne, Bedford, Robert, and Jerry. Many of their children were born at the home and all of the children grew up working the farm, hunting in the fields, playing in Culverson Creek near the bridge, and attended the Frankford School; and

Whereas, Five of the McClintic boys served in the United States Army overseas from 1957-1979. All seven boys attended college in West Virginia and earned their college degrees. Five returned to the Williamsburg area and continued to contribute to the local Frankford/Williamsburg community, with four serving as educators in the public school system; and

Whereas, Levi McDonald McClintic was born in 1934 and attended Potomac State and West Virginia University, earning a bachelor of science degree in agriculture. He joined the United States Army in 1957 and was stationed in Fort Benning, Georgia and Bamberg, Germany. He returned to Greenbrier County and was employed as a meat inspector from 1966-1992. He and his wife, Ramona Hanna, have five children, eight grandchildren, and six great-grandchildren. His grandson, Christopher Wiseman, served 12 years in the United States Navy. Levi and Ramona McClintic operate the McClintic farm today; and

Whereas, Patrick Wallace McClintic was born in 1935 and attended Potomac State and West Virginia University, earning a degree in agriculture. He joined the United States Army in 1958 and retired in 1985. "Pat" rose to the rank of Colonel and completed assignments in Fort Dix, New Jersey, Korea, Germany, Fort Leavenworth, Kansas, Virginia, Florida, Pennsylvania, and the Pentagon in Washington, D.C. Colonel McClintic also served two tours in Vietnam. He later served as a professor of Military Science at West Virginia University. Colonel McClintic, who died in 1995, was a recipient of the Bronze Star, and is buried at the Arlington National Cemetery in Washington, D.C. He and his wife, Bobbie Ann Cole, have two children and three grandchildren; and

Whereas, James Alan McClintic was born in 1937 and joined the United States Army in 1961 after graduating from Potomac State and West Virginia University, earning a degree in physical education. He was stationed in Fort Benning, Georgia, and Fort Sill, Oklahoma, for two years. He returned to Greenbrier County and taught until his retirement from Renick Junior High School/Greenbrier County public schools in 1989. "Alan" and Frances Spencer divorced, but have four children and eleven grandchildren. Son, Kevin McClintic, retired from the United States Army, and grandson Trevor Weikle has 12 years' service in the United States Army and continues today to serve in the United States Army Reserves. Alan and his wife, Dora Whitt, have two children and four grandchildren, and continue to live on and operate part of the McClintic farm; and

Whereas, Wayne Leonard McClintic was born in 1943 and was a ROTC Army cadet at West Virginia University. Upon completing a master's degree in agricultural engineering in 1967, Wayne joined the United States Army and was stationed at Fort Belvoir, Virginia, Saudi Arabia, and Fort Leonard Wood, Missouri, as Second Lieutenant of the Corps of Engineers. Wayne and his wife, Thomasine Michael, have four children and eight grandchildren; and

Whereas, Bedford Rader McClintic was born in 1946 and was a ROTC Army cadet at West Virginia University. He graduated with degrees in physical education in 1968, and from the University of Kentucky in 1969. He entered the United States Army and served assignments in Indiana, Georgia, and overseas in Germany and Vietnam. He continued to serve in the United States Army Reserves until 1979. He served as principal of Frankford School, his alma mater, from 1978-2017, when he retired from the Greenbrier County public school system. He and his wife, Patricia Dodson, have two children and three grandchildren. His daughter, Debbie, and her husband, Jason, were married on the bridge in 2009. Bedford and Patricia have a "camp" along the creek that borders the old boy scout camp, part of the original McClintic homestead; and

Whereas, Robert Ray McClintic was born in 1950 and earned degrees from Concord College and West Virginia University. "Bob" returned to Greenbrier County where he served as a coach and taught in the public school system from 1972-2006, when he retired after 33 years of service. Bob and his wife, Elizabeth "Jane" Renick, have four children and six grandchildren. Bob and Jane continue to live on the family homestead; and

Whereas, Jerry Moore McClintic was born in 1954 and graduated from Concord College and West Virginia University with degrees in physical education, library science, and communications. He coached and taught in the public school systems of Monroe and Greenbrier counties, until he retired from Frankford School in 2009. Jerry and his wife, Sara Hill, have three

children and four grandchildren. Jerry and Sara continue to live on the family farm; and

Whereas, “Bun” McClintic died in 1978 and his wife, Aena, continued to live in the McClintic home until her passing in 2000. Four of the McClintic sons and their families continue to live on the homestead today. The historic Dr. Clifton McClintic home is a gathering place for the extended McClintic family, and the bridge and Culverson Creek remain a respite for the grandchildren and for future generations to come; and

Whereas, It is fitting that an enduring memorial be established to commemorate the McClintic family’s decades of public service 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 13-017/02-000.34 (13A250), locally known as Culverson Creek Bridge, carrying CR 17/2 over Culverson Creek in Greenbrier County, the “McClintic Family 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 “McClintic Family Bridge”; and, be it

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

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 23, USMC CPL Guy Maywood Edwards Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 24, US Navy S1 Paul McCue Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Resolution 19, Reaffirming sister-state partnership between WV and Taiwan.

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

At the request of Senator Takubo, 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 the resolution, and on this question, Senator Plymale demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 19) adopted.

The Senate proceeded to the eighth order of business.

Eng. Senate Bill 437, Extending contingent increase of tax rate on certain eligible acute care hospitals.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 437) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 437) 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 493, Issuing license suspensions to insurance producers and adjusters who fail to meet CE requirements.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

Eng. Senate Bill 494, Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 494) passed.

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

Eng. Senate Bill 494—A Bill to amend and reenact §23-2C-16 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to transfer moneys during specified fiscal years from the Insurance Commission Fund, also known as the commissioner's operating fund, into the Workers'

Compensation Old Fund to reduce any deficit balance of the Old Fund.

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

Eng. Senate Bill 496, Relating to punishment for second or third degree felony.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 496) passed with its title.

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

Eng. Com. Sub. for Senate Bill 514, Providing criteria for Natural Resource Commission appointment and compensation.

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 514 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Rucker, Smith, Stover, Swope, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Phillips, Stollings, and Sypolt—3.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 514) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Rucker, Smith, Stover, Swope, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Phillips, Stollings, and Sypolt—3.

Absent: Karnes—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 514) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 303, Creating Local Government Labor and Consumer Marketing Regulatory Limitation Act.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 346, Authorizing DMV use electronic means when providing notice for licensees and vehicle owners.

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 472, Updating criteria for regulating certain occupations and professions.

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

Senate Bill 523, Correcting improper code references.

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

Senate Bill 529, Correcting improper citation relating to DMV registration.

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

Senate Bill 621, Relating to non-compete covenants between certain health care practitioners.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

Eng. Com. Sub. for House Bill 2006, Relating to the West Virginia Contractor Licensing Act.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 2011, Eliminating any time requirements for part time personnel to work during a working year.

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

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 6. CIVIL SERVICE SYSTEM.

§29-6-4. Classified-exempt service; additions to classified service; exemptions.

(a) The classified-exempt service includes all positions included in the classified-exempt service on the effective date of this article.

(b) Except for the period commencing on July 1, 1992, and ending on the first Monday after the second Wednesday of the following January and except for the same periods commencing in the year 1996, and in each fourth year thereafter, the Governor may, by executive order, with the written consent of the State Personnel Board and the appointing authority concerned, add to the list of positions in the classified service, but the additions may not

include any positions specifically exempted from coverage as provided in this section.

(c) The following offices and positions are exempt from coverage under the classified service:

(1) All judges, officers, and employees of the judiciary;

(2) All members, officers, and employees of the Legislature;

(3) All officers elected by popular vote and employees of the officer;

(4) All secretaries of departments and employees within the office of a secretary;

(5) Members of boards and commissions and heads of departments appointed by the Governor or heads of departments selected by commissions or boards when expressly exempt by law or board order;

(6) Excluding the policy-making positions in an agency, one principal assistant or deputy and one private secretary for each board or commission or head of a department elected or appointed by the Governor or Legislature;

(7) All policy-making positions;

(8) Patients or inmates employed in state institutions;

(9) Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the Legislature or a committee thereof, an executive department, or by authority of the Governor;

(10) All employees of the office of the Governor, including all employees assigned to the executive mansion;

(11) Part-time professional personnel engaged in professional services without administrative duties; ~~and personnel employed for 1,000 hours or less during a working year~~

(12) Temporary employees;

~~(12)~~(13) Members and employees of the board of trustees and board of directors or their successor agencies;

~~(13)~~(14) Uniformed personnel of the State Police; and

~~(14)~~(15) ~~Seasonal~~ Temporary employees in the state forests, parks, and recreational areas ~~working less than 1,733 hours per calendar year. Notwithstanding any provision of law to the contrary, seasonal employees are not considered full-time employees.~~

(d) The Legislature finds that the holding of political beliefs and party commitments consistent or compatible with those of the Governor contributes in an essential way to the effective performance of and is an appropriate requirement for occupying certain offices or positions in state government, such as the secretaries of departments and the employees within their offices, the heads of agencies appointed by the Governor and, for each such head of agency, a private secretary and one principal assistant or deputy, all employees of the office of the Governor including all employees assigned to the executive mansion, as well as any persons appointed by the Governor to fill policy-making positions, in that those offices or positions are confidential in character and require their holders to act as advisors to the Governor or the Governor's appointees, to formulate and implement the policies and goals of the Governor or the Governor's appointees, or to help the Governor or the Governor's appointees communicate with and explain their policies and views to the public, the Legislature, and the press.

(e) All county road supervisor positions are covered under the classified service effective July 1, 1999. A person employed as a county road supervisor on the effective date of this section is not required to take or pass a qualifying or competitive examination

upon, or as a condition of, becoming a classified service employee. All county road supervisors who become classified service employees pursuant to this subsection who are severed, removed, or terminated in his or her employment must be severed, removed, or terminated as if the person was a classified service employee.

The bill (Eng. Com. Sub. for H. B. 2011), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2263, Update the regulation of pharmacy benefit managers.

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

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF
THE GOVERNOR, SECRETARY OF STATE, AND
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;
MISCELLANEOUS AGENCIES, COMMISSIONS,
OFFICES, PROGRAMS, ETC.**

**ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES
INSURANCE ACT.**

§5-16-9. Authorization to execute contracts for group hospital and surgical insurance, group major medical insurance, group prescription drug insurance, group life and accidental death insurance, and other accidental death insurance; mandated benefits; limitations; awarding of contracts; reinsurance; certificates for covered employees; discontinuance of contracts.

(a) The director is hereby given exclusive authorization to execute such contract or contracts as are necessary to carry out the provisions of this article and to provide the plan or plans of group

hospital and surgical insurance coverage, group major medical insurance coverage, group prescription drug insurance coverage, and group life and accidental death insurance coverage selected in accordance with the provisions of this article, such contract or contracts to be executed with one or more agencies, corporations, insurance companies, or service organizations licensed to sell group hospital and surgical insurance, group major medical insurance, group prescription drug insurance and group life and accidental death insurance in this state.

(b) The group hospital or surgical insurance coverage and group major medical insurance coverage herein provided shall include coverages and benefits for x-ray and laboratory services in connection with mammogram and pap smears when performed for cancer screening or diagnostic services and annual checkups for prostate cancer in men age 50 and over. Such benefits shall include, but not be limited to, the following:

(1) Mammograms when medically appropriate and consistent with the current guidelines from the United States Preventive Services Task Force;

(2) A pap smear, either conventional or liquid-based cytology, whichever is medically appropriate and consistent with the current guidelines from the United States Preventive Services Task Force or The American College of Obstetricians and Gynecologists, for women age 18 and over;

(3) A test for the human papilloma virus (HPV) for women age 18 or over, when medically appropriate and consistent with the current guidelines from either the United States Preventive Services Task Force or the American College of Obstetricians and Gynecologists for women age 18 and over;

(4) A checkup for prostate cancer annually for men age 50 or over; and

(5) Annual screening for kidney disease as determined to be medically necessary by a physician using any combination of blood

pressure testing, urine albumin or urine protein testing, and serum creatinine testing as recommended by the National Kidney Foundation.

(6) Coverage for general anesthesia for dental procedures and associated outpatient hospital or ambulatory facility charges provided by appropriately licensed healthcare individuals in conjunction with dental care if the covered person is:

(A) Seven years of age or younger or is developmentally disabled and is either an individual for whom a successful result cannot be expected from dental care provided under local anesthesia because of a physical, intellectual, or other medically compromising condition of the individual and for whom a superior result can be expected from dental care provided under general anesthesia; or

(B) A child who is 12 years of age or younger with documented phobias, or with documented mental illness, and with dental needs of such magnitude that treatment should not be delayed or deferred and for whom lack of treatment can be expected to result in infection, loss of teeth or other increased oral or dental morbidity and for whom a successful result cannot be expected from dental care provided under local anesthesia because of such condition and for whom a superior result can be expected from dental care provided under general anesthesia.

(7) (A) A policy, plan, or contract that is issued or renewed on or after January 1, 2019, and that is subject to this section, shall provide coverage, through the age of 20, for amino acid-based formula for the treatment of severe protein-allergic conditions or impaired absorption of nutrients caused by disorders affecting the absorptive surface, function, length, and motility of the gastrointestinal tract. This includes the following conditions, if diagnosed as related to the disorder by a physician licensed to practice in this state pursuant to either §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code:

(i) Immunoglobulin E and Nonimmunoglobulin E-medicated allergies to multiple food proteins;

(ii) Severe food protein-induced enterocolitis syndrome;

(iii) Eosinophilic disorders as evidenced by the results of a biopsy; and

(iv) Impaired absorption of nutrients caused by disorders affecting the absorptive surface, function, length, and motility of the gastrointestinal tract (short bowel).

(B) The coverage required by §5-16-9(b)(7)(A) of this code shall include medical foods for home use for which a physician has issued a prescription and has declared them to be medically necessary, regardless of methodology of delivery.

(C) For purposes of this subdivision, “medically necessary foods” or “medical foods” shall mean prescription amino acid-based elemental formulas obtained through a pharmacy: *Provided*, That these foods are specifically designated and manufactured for the treatment of severe allergic conditions or short bowel.

(D) The provisions of this subdivision shall not apply to persons with an intolerance for lactose or soy.

(c) The group life and accidental death insurance herein provided shall be in the amount of \$10,000 for every employee. The amount of the group life and accidental death insurance to which an employee would otherwise be entitled shall be reduced to \$5,000 upon such employee attaining age 65.

(d) All of the insurance coverage to be provided for under this article may be included in one or more similar contracts issued by the same or different carriers.

(e) The provisions of §5A-3-1 *et seq.* of this code, relating to the Division of Purchasing of the Department of Finance and Administration, shall not apply to any contracts for any insurance coverage or professional services authorized to be executed under

the provisions of this article. Before entering into any contract for any insurance coverage, as authorized in this article, the director shall invite competent bids from all qualified and licensed insurance companies or carriers, who may wish to offer plans for the insurance coverage desired: *Provided*, That the director shall negotiate and contract directly with healthcare providers and other entities, organizations and vendors in order to secure competitive premiums, prices, and other financial advantages. The director shall deal directly with insurers or healthcare providers and other entities, organizations, and vendors in presenting specifications and receiving quotations for bid purposes. No commission or finder's fee, or any combination thereof, shall be paid to any individual or agent; but this shall not preclude an underwriting insurance company or companies, at their own expense, from appointing a licensed resident agent, within this state, to service the companies' contracts awarded under the provisions of this article. Commissions reasonably related to actual service rendered for the agent or agents may be paid by the underwriting company or companies: *Provided, however*, That in no event shall payment be made to any agent or agents when no actual services are rendered or performed. The director shall award the contract or contracts on a competitive basis. In awarding the contract or contracts the director shall take into account the experience of the offering agency, corporation, insurance company, or service organization in the group hospital and surgical insurance field, group major medical insurance field, group prescription drug field, and group life and accidental death insurance field, and its facilities for the handling of claims. In evaluating these factors, the director may employ the services of impartial, professional insurance analysts or actuaries or both. Any contract executed by the director with a selected carrier shall be a contract to govern all eligible employees subject to the provisions of this article. Nothing contained in this article shall prohibit any insurance carrier from soliciting employees covered hereunder to purchase additional hospital and surgical, major medical or life and accidental death insurance coverage.

(f) The director may authorize the carrier with whom a primary contract is executed to reinsure portions of the contract with other

carriers which elect to be a reinsurer and who are legally qualified to enter into a reinsurance agreement under the laws of this state.

(g) Each employee who is covered under any contract or contracts shall receive a statement of benefits to which the employee, his or her spouse and his or her dependents are entitled under the contract, setting forth the information as to whom the benefits are payable, to whom claims shall be submitted and a summary of the provisions of the contract or contracts as they affect the employee, his or her spouse and his or her dependents.

(h) The director may at the end of any contract period discontinue any contract or contracts it has executed with any carrier and replace the same with a contract or contracts with any other carrier or carriers meeting the requirements of this article.

(i) The director shall provide by contract or contracts entered into under the provisions of this article the cost for coverage of children's immunization services from birth through age 16 years to provide immunization against the following illnesses: Diphtheria, polio, mumps, measles, rubella, tetanus, hepatitis-b, hemophilia influenzae-b, and whooping cough. Additional immunizations may be required by the Commissioner of the Bureau for Public Health for public health purposes. Any contract entered into to cover these services shall require that all costs associated with immunization, including the cost of the vaccine, if incurred by the healthcare provider, and all costs of vaccine administration be exempt from any deductible, per visit charge and/or copayment provisions which may be in force in these policies or contracts. This section does not require that other healthcare services provided at the time of immunization be exempt from any deductible and/or copayment provisions.

(j) The director shall include language in all contracts for pharmacy benefits management, as defined by §33-51-3 of this code, requiring the pharmacy benefit manager to report quarterly to the agency for all pharmacy claims the amount paid to the pharmacy provider per claim, including, but not limited to the following:

(1) The overall total amount charged to the agency for all claims processed by the pharmacy benefit manager during the quarter;

(2) The overall total amount of reimbursements paid to pharmacy providers during the quarter;

(3) The overall total number of claims in which the pharmacy benefits manager reimbursed a pharmacy provider for less than the amount charged to the agency for all claims processed by the pharmacy benefit manager during the quarter; and

(4) For all pharmacy claims, the total amount paid to the pharmacy provider per claim, including, but not limited to, the following:

(1) (A) The cost of drug reimbursement;

(2) (B) Dispensing fees;

(3) (C) Copayments; and

(4) (D) The amount charged to the agency for each claim by the pharmacy benefit manager.

In the event there is a difference between ~~these amounts for any claim~~ the amount for any pharmacy claim paid to the pharmacy provider and the amount reimbursed to the agency, the pharmacy benefit manager shall report an itemization of all administrative fees, rebates, or processing charges associated with the claim. All data and information provided by the pharmacy benefit manager shall be kept secure, and notwithstanding any other provision of this code to the contrary, the agency shall maintain the confidentiality of the proprietary information and not share or disclose the proprietary information contained in the report or data collected with persons outside the agency. All data and information provided by the pharmacy benefit manager shall be considered proprietary and confidential and exempt from disclosure under the West Virginia Freedom of Information Act pursuant to §29B-1-4(a)(1) of this code. Only those agency employees involved in

collecting, securing, and analyzing the data for the purpose of preparing the report provided for herein shall have access to the proprietary data. The director shall ~~using aggregated, non-proprietary data only, report at least quarterly to the Joint Committee on Government and Finance on the implementation of this subsection and its impact on program expenditures~~ provide a quarterly report to the Joint Committee on Government and Finance and the Joint Committee on Health detailing the information required by this section, including any difference or spread between the overall amount paid by pharmacy benefit managers to the pharmacy providers and the overall amount charged to the agency for each claim by the pharmacy benefit manager. To the extent necessary, the director shall use aggregated, nonproprietary data only: *Provided*, That the director must provide a clear and concise summary of the total amounts charged to the agency and reimbursed to pharmacy providers on a quarterly basis.

(k) If the information required herein is not provided, the agency may terminate the contract with the pharmacy benefit manager and the Office of the Insurance Commissioner shall discipline the pharmacy benefit manager as provided in §33-51-8(e) of this code.

CHAPTER 33. INSURANCE

ARTICLE 51. PHARMACY AUDIT INTEGRITY ACT. REGULATION OF PHARMACY AUDITING ENTITIES AND PHARMACY BENEFIT MANAGERS.

§33-51-2. Scope.

This article covers any audit of the records of a pharmacy conducted by a managed care company, third-party payer, pharmacy benefits manager or an entity that represents a covered entity, or health benefit plan, the registration of auditing entities, and the licensure and regulation of pharmacy benefits managers.

§33-51-3. Definitions.

For purposes of this article:

“340B entity” means an entity participating in the federal 340B drug discount program, as described in 42 U.S.C. § 256b, including its pharmacy or pharmacies, or any pharmacy or pharmacies, contracted with the participating entity to dispense drugs purchased through such program.

~~“Affiliate” means a pharmacy, pharmacist, or pharmacy technician that directly or indirectly, through one or more intermediaries, owns or controls, is owned or controlled by, or is under common ownership or control with a pharmacy benefit manager~~

“Affiliate” means a pharmacy, pharmacist, or pharmacy technician which, either directly or indirectly through one or more intermediaries: (A) Has an investment or ownership interest in a pharmacy benefits manager licensed under this chapter; (B) shares common ownership with a pharmacy benefits manager licensed under this chapter; or (C) has an investor or ownership interest holder which is a pharmacy benefits manager licensed under this article.

“Auditing entity” means a person or company that performs a pharmacy audit, including a covered entity, pharmacy benefits manager, managed care organization, or third-party administrator.

“Business day” means any day of the week excluding Saturday, Sunday, and any legal holiday as set forth in §2-2-1 of this code.

“Claim level information” means data submitted by a pharmacy or required by a payer or claims processor to adjudicate a claim.

“Covered entity” means a contract holder or policy holder providing pharmacy benefits to a covered individual under a health insurance policy pursuant to a contract administered by a pharmacy benefits manager and may include a health benefit plan.

“Covered individual” means a member, participant, enrollee, or beneficiary of a covered entity who is provided health coverage by a covered entity, including a dependent or other person provided

health coverage through the policy or contract of a covered individual.

“Extrapolation” means the practice of inferring a frequency of dollar amount of overpayments, underpayments, nonvalid claims, or other errors on any portion of claims submitted, based on the frequency of dollar amount of overpayments, underpayments, nonvalid claims, or other errors actually measured in a sample of claims.

“Defined cost sharing” means a deductible payment or coinsurance amount imposed on an enrollee for a covered prescription drug under the enrollee’s health plan.

“Health benefit plan” or “health plan” means a policy, contract, certificate, or agreement entered into, offered, or issued by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services.

“Health care provider” has the same meaning as defined in §33-41-2 of this code.

“Health insurance policy” means a policy, subscriber contract, certificate, or plan that provides prescription drug coverage. The term includes both comprehensive and limited benefit health insurance policies.

“Insurance commissioner” or “commissioner” has the same meaning as defined in §33-1-5 of this code.

“Network” means a pharmacy or group of pharmacies that agree to provide prescription services to covered individuals on behalf of a covered entity or group of covered entities in exchange for payment for its services by a pharmacy benefits manager or pharmacy services administration organization. The term includes a pharmacy that generally dispenses outpatient prescriptions to covered individuals or dispenses particular types of prescriptions, provides pharmacy services to particular types of covered individuals or dispenses prescriptions in particular health care

settings, including networks of specialty, institutional or long-term care facilities.

“Maximum allowable cost” means the per unit amount that a pharmacy benefits manager reimburses a pharmacist for a prescription drug, excluding dispensing fees and copayments, coinsurance, or other cost-sharing charges, if any.

“National average drug acquisition cost” means the monthly survey of retail pharmacies conducted by the federal Centers for Medicare and Medicaid Services to determine average acquisition cost for Medicaid covered outpatient drugs.

“Nonproprietary drug” means a drug containing any quantity of any controlled substance or any drug which is required by any applicable federal or state law to be dispensed only by prescription.

“Pharmacist” means an individual licensed by the West Virginia Board of Pharmacy to engage in the practice of pharmacy.

“Pharmacy” means any place within this state where drugs are dispensed and pharmacist care is provided.

“Pharmacy audit” means an audit, conducted on-site by or on behalf of an auditing entity of any records of a pharmacy for prescription or nonproprietary drugs dispensed by a pharmacy to a covered individual.

“Pharmacy benefits management” means the performance of any of the following:

(1) The procurement of prescription drugs at a negotiated contracted rate for dispensation within the state of West Virginia to covered individuals;

(2) The administration or management of prescription drug benefits provided by a covered entity for the benefit of covered individuals;

(3) The administration of pharmacy benefits, including:

- (A) Operating a mail-service pharmacy;
- (B) Claims processing;
- (C) Managing a retail pharmacy network;
- (D) Paying claims to a pharmacy for prescription drugs dispensed to covered individuals via retail or mail-order pharmacy;
- (E) Developing and managing a clinical formulary including utilization management and quality assurance programs;
- (F) Rebate contracting administration; and
- (G) Managing a patient compliance, therapeutic intervention, and generic substitution program.

“Pharmacy benefits manager” means a person, business, or other entity that performs pharmacy benefits management for covered entities;

“Pharmacy record” means any record stored electronically or as a hard copy by a pharmacy that relates to the provision of prescription or nonproprietary drugs or pharmacy services or other component of pharmacist care that is included in the practice of pharmacy.

“Pharmacy services administration organization” means any entity that contracts with a pharmacy to assist with third-party payer interactions and that may provide a variety of other administrative services, including contracting with pharmacy benefits managers on behalf of pharmacies and managing pharmacies’ claims payments from third-party payers.

“Point-of-sale fee” means all or a portion of a drug reimbursement to a pharmacy or other dispenser withheld at the time of adjudication of a claim for any reason.

“Rebate” means any and all payments that accrue to a pharmacy benefits manager or its health plan client, directly or

indirectly, from a pharmaceutical manufacturer, including, but not limited to, discounts, administration fees, credits, incentives, or penalties associated directly or indirectly in any way with claims administered on behalf of a health plan client.

“Retroactive fee” means all or a portion of a drug reimbursement to a pharmacy or other dispenser recouped or reduced following adjudication of a claim for any reason, except as otherwise permissible as described in this article.

“Third party” means any insurer, health benefit plan for employees which provides a pharmacy benefits plan, a participating public agency which provides a system of health insurance for public employees, their dependents and retirees, or any other insurer or organization that provides health coverage, benefits, or coverage of prescription drugs as part of workers’ compensation insurance in accordance with state or federal law. The term does not include an insurer that provides coverage under a policy of casualty or property insurance.

§33-51-8. Licensure of pharmacy benefit managers.

(a) A person or organization may not establish or operate as a pharmacy benefits manager in the state of West Virginia without first obtaining a license from the Insurance Commissioner pursuant to this section: *Provided*, That a pharmacy benefit manager registered pursuant to §33-5-7 of this code may continue to do business in the state until the Insurance Commissioner has completed the legislative rule as set forth in §33-55-10 of this code: *Provided, however*, That additionally the pharmacy benefit manager shall submit an application within six months of completion of the final rule. The Insurance Commissioner shall make an application form available on its publicly accessible internet website that includes a request for the following information:

(1) The identity, address, and telephone number of the applicant;

(2) The name, business address, and telephone number of the contact person for the applicant;

(3) When applicable, the federal employer identification number for the applicant; and

(4) Any other information the Insurance Commissioner considers necessary and appropriate to establish the qualifications to receive a license as a pharmacy benefit manager to complete the licensure process, as set forth by legislative rule promulgated by the Insurance Commissioner pursuant to §33-51-10 of this code.

(b) Term and fee. —

(1) The term of licensure shall be two years from the date of issuance.

(2) The Insurance Commissioner shall determine the amount of the initial application fee and the renewal application fee for the registration. The fee shall be submitted by the applicant with an application for registration. An initial application fee is nonrefundable. A renewal application fee shall be returned if the renewal of the registration is not granted.

(3) The amount of the initial application fees and renewal application fees must be sufficient to fund the Insurance Commissioner's duties in relation to his/her responsibilities under this section, but a single fee may not exceed \$10,000.

(4) Each application for a license, and subsequent renewal for a license, shall be accompanied by evidence of financial responsibility in an amount of \$1 million.

(c) Licensure. —

(1) The Insurance Commissioner shall propose legislative rules, in accordance with §33-51-10 of this code, establishing the licensing, fees, application, financial standards, and reporting requirements of pharmacy benefit managers.

(2) Upon receipt of a completed application, evidence of financial responsibility, and fee, the Insurance Commissioner shall make a review of each applicant and shall issue a license if the applicant is qualified in accordance with the provisions of this section and the rules promulgated by the Insurance Commissioner pursuant to this section. The commissioner may require additional information or submissions from an applicant and may obtain any documents or information reasonably necessary to verify the information contained in the application.

(3) The license may be in paper or electronic form, is nontransferable, and shall prominently list the expiration date of the license.

(d) Network adequacy. —

(1) A pharmacy benefit manager's network shall be reasonably adequate, shall provide for convenient patient access to pharmacies within a reasonable distance from a patient's residence and shall not be comprised only of mail-order benefits but must have a mix of mail-order benefits and physical stores in this state.

(2) A pharmacy benefit manager shall provide a pharmacy benefit manager's network report describing the pharmacy benefit manager's network and the mix of mail-order to physical stores in this state in a time and manner required by rule issued by the Insurance Commissioner pursuant to this section.

(3) Failure to provide a timely report may result in the suspension or revocation of a pharmacy benefit manager's license by the Insurance Commissioner.

(e) Enforcement. —

(1) The Insurance Commissioner shall enforce this section and may examine or audit the books and records of a pharmacy benefit manager providing pharmacy benefits management to determine if the pharmacy benefit manager is in compliance with this section: *Provided*, That any information or data acquired during the examination or audit is considered proprietary and confidential and

exempt from disclosure under the West Virginia Freedom of Information Act pursuant to §29B-1-4(a)(1) of this code.

(2) The Insurance Commissioner may propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code regulating pharmacy benefit managers in a manner consistent with this chapter. Rules adopted pursuant to this section shall set forth penalties or fines, including, without limitation, monetary fines, suspension of licensure, and revocation of licensure for violations of this chapter and the rules adopted pursuant to this section.

(f) Applicability. —

(4) This section is applicable to any contract or health benefit plan issued, renewed, recredentialed, amended, or extended on or after July 1, 2019.

~~(2) The requirements of this section, and any rules promulgated by the Insurance Commissioner pursuant to §33-51-9(f) of this code, do not apply to the coverage of prescription drugs under a plan that is subject to the Employee Retirement Income Security Act of 1974 or any information relating to such coverage~~

§33-51-9. Regulation of pharmacy benefit managers.

(a) A pharmacy, a pharmacist, and a pharmacy technician shall have the right to provide a covered individual with information related to lower cost alternatives and cost share for the covered individual to assist health care consumers in making informed decisions. Neither a pharmacy, a pharmacist, nor a pharmacy technician may be penalized by a pharmacy benefit manager for discussing information in this section or for selling a lower cost alternative to a covered individual, if one is available, without using a health insurance policy.

(b) A pharmacy benefit manager may not collect from a pharmacy, a pharmacist, or a pharmacy technician a cost share charged to a covered individual that exceeds the total submitted

charges by the pharmacy or pharmacist to the pharmacy benefit manager.

(c) A pharmacy benefit manager may only directly or indirectly charge or hold a pharmacy, a pharmacist, or a pharmacy technician responsible for a fee related to the adjudication of a claim if:

(1) The total amount of the fee is identified, reported, and specifically explained for each line item on the remittance advice of the adjudicated claim; or

(2) The total amount of the fee is apparent at the point of sale and not adjusted between the point of sale and the issuance of the remittance advice.

(d) A pharmacy benefit manager, or any other third party, that reimburses a 340B entity for drugs that are subject to an agreement under 42 U.S.C. § 256b shall not reimburse the 340B entity for pharmacy-dispensed drugs at a rate lower than that paid for the same drug to pharmacies similar in prescription volume that are not 340B entities, and shall not assess any fee, charge-back, or other adjustment upon the 340B entity on the basis that the 340B entity participates in the program set forth in 42 U.S.C. §256b.

(e) With respect to a patient eligible to receive drugs subject to an agreement under 42 U.S.C. § 256b, a pharmacy benefit manager, or any other third party that makes payment for such drugs, shall not discriminate against a 340B entity in a manner that prevents or interferes with the patient's choice to receive such drugs from the 340B entity: *Provided*, That for purposes of this section, "third party" does not include the state Medicaid program when Medicaid is providing reimbursement for covered outpatient drugs, as that term is defined in 42 U.S.C. §1396r-8(k), on a fee-for-service basis: *Provided, however*, That "third party" does include a Medicaid-managed care organization as described in 42 U.S.C. § 1396b(m).

~~(f) This section does not apply with respect to claims under an employee benefit plan under the Employee Retirement Income~~

Security Act of 1974 or, except for paragraph (d), to Medicare Part D.

(f) A pharmacy benefit manager may not reimburse a pharmacy or pharmacist for a prescription drug or pharmacy service in an amount less than the national average drug acquisition cost for the prescription drug or pharmacy service at the time the drug is administered or dispensed, plus a professional dispensing fee of \$10.49: *Provided*, That if the national average drug acquisition cost is not available at the time a drug is administered or dispensed, a pharmacy benefit manager may not reimburse in an amount that is less than the wholesale acquisition cost of the drug, as defined in 42 U.S.C. § 1395w-3a(c)(6)(B), plus a provisional dispensing fee of \$10.49.

(g) A pharmacy benefit manager may not reimburse a pharmacy or pharmacist for a prescription drug or pharmacy service in an amount less than the amount the pharmacy benefit manager reimburses itself or an affiliate for the same prescription drug or pharmacy service.

(h) The commissioner may order reimbursement to an insured, pharmacy, or dispenser who has incurred a monetary loss as a result of a violation of this article or legislative rules implemented pursuant to this article.

(i) (1) Any methodologies utilized by a pharmacy benefits manager in connection with reimbursement shall be filed with the commissioner at the time of initial licensure and at any time thereafter that the methodology is changed by the pharmacy benefit manager for use in determining maximum allowable cost appeals. The methodologies are not subject to disclosure and shall be treated as confidential and exempt from disclosure under the West Virginia Freedom of Information Act §29B-1-4(a)(1) of this code.

(2) A pharmacy benefits manager shall utilize the national average drug acquisition cost as a point of reference for the ingredient drug product component of a pharmacy's

reimbursement for drugs appearing on the national average drug acquisition cost list; and,

(j) A pharmacy benefits manager may not:

(1) Discriminate in reimbursement, assess any fees or adjustments, or exclude a pharmacy from the pharmacy benefit manager's network on the basis that the pharmacy dispenses drugs subject to an agreement under 42 U.S.C. § 256b; or

(2) Engage in any practice that:

(A) In any way bases pharmacy reimbursement for a drug on patient outcomes, scores, or metrics. This does not prohibit pharmacy reimbursement for pharmacy care, including dispensing fees from being based on patient outcomes, scores, or metrics so long as the patient outcomes, scores, or metrics are disclosed to and agreed to by the pharmacy in advance;

(B) Includes imposing a point-of-sale fee or retroactive fee; or

(C) Derives any revenue from a pharmacy or insured in connection with performing pharmacy benefits management services: *Provided*, That this may not be construed to prohibit pharmacy benefits managers from receiving deductibles or copayments.

(k) A pharmacy benefits manager shall offer a health plan the option of charging such health plan the same price for a prescription drug as it pays a pharmacy for the prescription drug: *Provided*, That a pharmacy benefits manager shall charge a health benefit plan administered by or on behalf of the state or a political subdivision of the state, the same price for a prescription drug as it pays a pharmacy for the prescription drug.

(l) A pharmacy benefits manager and drug manufacturer shall pay 100% of all credits, rebates, discounts, or other such payments to the health benefit plan or covered entity. The health benefit plan or covered entity shall apply 100% of the credits, rebates, discounts, or other such payments to reduce insurance premiums or

rates on a yearly basis: *Provided*, That this subsection does not apply to a 340B entity.

(m) This section is effective for policy, contract, plans, or agreements beginning on or after January 1, 2022. This section applies to all policies, contracts, plans, or agreements subject to this section that are delivered, executed, amended, adjusted, or renewed on or after the effective date of this section.

§33-51-11. Freedom of consumer choice for pharmacy.

(a) A pharmacy benefits manager or health benefit plan may not:

(1) Prohibit or limit any covered individual from selecting a pharmacy or pharmacist of his or her choice who has agreed to participate in the plan according to the terms offered by the insurer;

(2) Deny a pharmacy or pharmacist the right to participate as a contract provider under the policy or plan if the pharmacy or pharmacist agrees to provide pharmacy services, including, but not limited to, prescription drugs, that meet the terms and requirements set forth by the insurer under the policy or plan and agrees to the terms of reimbursement set forth by the insurer;

(3) Impose upon a beneficiary of pharmacy services under a health benefit plan any copayment, fee, or condition that is not equally imposed upon all beneficiaries in the same benefit category, class, or copayment level under the health benefit plan when receiving services from a contract provider;

(4) Impose a monetary advantage or penalty under a health benefit plan that would affect a beneficiary's choice among those pharmacies or pharmacists who have agreed to participate in the plan according to the terms offered by the insurer. Monetary advantage or penalty includes higher copayment, a reduction in reimbursement for services, or promotion of one participating pharmacy over another by these methods;

(5) Reduce allowable reimbursement for pharmacy services to a beneficiary under a health benefit plan because the beneficiary selects a pharmacy of his or her choice, so long as that pharmacy has enrolled with the health benefit plan under the terms offered to all pharmacies in the plan coverage area;

(6) Require a beneficiary, as a condition of payment or reimbursement, to purchase pharmacy services, including prescription drugs, exclusively through a mail-order pharmacy; or

(7) Impose upon a beneficiary any copayment, amount of reimbursement, number of days of a drug supply for which reimbursement will be allowed, or any other payment or condition relating to purchasing pharmacy services from any pharmacy, including prescription drugs, that is more costly or more restrictive than that which would be imposed upon the beneficiary if such services were purchased from a mail-order pharmacy or any other pharmacy that is willing to provide the same services or products for the same cost and copayment as any mail order service.

(b) If a health benefit plan providing reimbursement to West Virginia residents for prescription drugs restricts pharmacy participation, the entity providing the health benefit plan shall notify, in writing, all pharmacies within the geographical coverage area of the health benefit plan, and offer to the pharmacies the opportunity to participate in the health benefit plan at least 60 days prior to the effective date of the plan. All pharmacies in the geographical coverage area of the plan shall be eligible to participate under identical reimbursement terms for providing pharmacy services, including prescription drugs. The entity providing the health benefit plan shall, through reasonable means, on a timely basis and on regular intervals, inform the beneficiaries of the plan of the names and locations of pharmacies that are participating in the plan as providers of pharmacy services and prescription drugs. Additionally, participating pharmacies shall be entitled to announce their participation to their customers through a means acceptable to the pharmacy and the entity providing the health benefit plans. The pharmacy notification provisions of this

section shall not apply when an individual or group is enrolled, but when the plan enters a particular county of the state.

(c) The Insurance Commissioner shall not approve any pharmacy benefits manager or health benefit plan providing pharmaceutical services which do not conform to this section.

(d) Any covered individual or pharmacy injured by a violation of this section may maintain a cause of action to enjoin the continuance of any such violation.

(e) This section shall apply to all pharmacy benefits managers and health benefit plans providing pharmaceutical services benefits, including prescription drugs, to any resident of West Virginia. For purposes of this section, "health benefit plan" means any entity or program that provides reimbursement for pharmaceutical services. This section shall also apply to insurance companies and health maintenance organizations that provide or administer coverages and benefits for prescription drugs. This section shall not apply to any entity that has its own facility, employs or contracts with physicians, pharmacists, nurses and other health care personnel, and that dispenses prescription drugs from its own pharmacy to its employees and dependents enrolled in its health benefit plan; but this section shall apply to an entity otherwise excluded that contracts with an outside pharmacy or group of pharmacies to provide prescription drugs and services.

§33-51-12. Reporting requirements.

(a) A pharmacy benefits manager shall report to the commissioner on an annual basis, or more often as the commissioner deems necessary, for each health plan or covered entity the following information:

(1) The aggregate amount of rebates received by the pharmacy benefits manager;

(2) The aggregate amount of rebates distributed to each health plan or covered entity contracted with the pharmacy benefits manager;

(3) The aggregate amount of rebates passed on to the enrollees of each health plan or covered entity at the point of sale that reduced the enrollees applicable deductible, copayment, coinsurance, or other cost-sharing amount;

(4) The individual and aggregate amount paid by the health plan or covered entity to the pharmacy benefits manager for pharmacist services itemized by pharmacy, by product, and by goods and services; and

(5) The individual and aggregate amount a pharmacy benefits manager paid for pharmacist services itemized by pharmacy, by product, and by goods and services.

(b) A pharmacy benefits manager shall annually report in the aggregate to the commissioner and to a health plan or covered entity the difference between the amount the pharmacy benefits manager reimbursed a pharmacy and the amount the pharmacy benefits manager charged a health plan.

(c) A health benefit plan or covered entity shall annually report to the commissioner the aggregate amount of credits, rebates, discounts, or other such payments received by the health benefit plan or covered entity from a pharmacy benefits manager or drug manufacturer and disclose whether or not those credits, rebates, discounts or other such payments were passed on to reduce insurance premiums or rates. The commissioner shall consider the information in this report in reviewing any premium rates charged for any individual or group accident and health insurance policy as set forth in §33-6-9(e), §33-24-6(c), and §33-25A-8 of this code.

(d) A pharmacy benefits manager shall produce a quarterly report to the commissioner of all drugs appearing on the national average drug acquisition cost list reimbursed 10 percent and below the national average drug acquisition cost, as well as all drugs reimbursed 10 percent and above the national average drug acquisition cost. For each drug in the report, a pharmacy benefits manager shall include the month the drug was dispensed, the quantity of the drug dispensed, the amount the pharmacy was

reimbursed, whether the dispensing pharmacy was an affiliate of the pharmacy benefits manager, whether the drug was dispensed pursuant to a government health plan, and the average national drug acquisition cost for the month the drug was dispensed. The report shall exclude drugs dispensed pursuant to 42 U.S.C. § 256b. A copy of this report shall also be published on the pharmacy benefits manager's publicly available website for a period of at least 24 months. This report is exempt from the confidentiality provisions of subsection (f).

(e) The reports shall be filed electronically on a form and manner as prescribed by the commissioner pursuant to a legitimate rule promulgated by the commissioner.

(f) With the exception of the quarterly report noted in subsection (d) of this section all data and information provided by the pharmacy benefits manager, health plan, or covered entity pursuant to these established reporting requirements shall be considered proprietary and confidential and exempt from disclosure under the West Virginia Freedom of Information Act §29B-1-4(a)(1) of this code.

On motion of Senator Maroney, the following amendments to the Health and Human Resources committee amendment to the bill (Eng. Com. Sub. for H. B. 2263) were reported by the Clerk, considered simultaneously, and adopted:

On page sixteen, section nine, line forty, by striking out the word "provisional" and inserting in lieu thereof the word "professional";

On page eighteen, section nine, line seventy-five, by striking out the words "and drug manufacturer";

And,

On page eighteen, section nine, line seventy-six, after the word "payments" by inserting the words "negotiated with drug manufacturers".

The question now being on the adoption of the Health and Human Resources committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 2263), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Com. Sub. for Senate Bill 318, Relating generally to public notice of unclaimed property held by State Treasurer.

Com. Sub. for Senate Bill 500, Prohibiting intimidation and retaliation against public officers and employees, jurors, and witnesses.

Com. Sub. for Senate Bill 518, Relating to grounds for administrative dissolution of certain companies, corporations, and partnerships.

And,

Eng. Com. Sub. for House Bill 2009, Relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Takubo, unanimous consent being granted, a leave of absence for the day was granted Senator Karnes.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on March 11, 2021:

Senate Bill 88: Senator Grady.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution on March 11, 2021:

Senate Bill 77: Senator Grady;

Senate Bill 235: Senator Grady;

Senate Bill 297: Senator Hamilton;

Senate Bill 335: Senator Romano;

Senate Bill 388: Senator Romano;

Senate Bill 391: Senator Romano;

Senate Bill 502: Senators Jeffries and Grady;

Senate Bill 504: Senator Grady;

Senate Bill 572: Senator Hamilton;

Senate Bill 622: Senators Hamilton, Stollings, Woelfel, and Lindsay;

Senate Bill 623: Senators Phillips and Rucker;

Senate Bill 625: Senator Phillips;

Senate Bill 626: Senators Woelfel and Phillips;

Senate Bill 627: Senators Ihlenfeld, Stollings, and Lindsay;

Senate Bill 629: Senator Lindsay;

Senate Bill 631: Senators Lindsay and Ihlenfeld;

And,

Senate Resolution 19: Senators Hamilton, Stollings, Baldwin, Roberts, Lindsay, and Rucker.

On motion of Senator Takubo, at 11:48 a.m., the Senate adjourned until Monday, March 15, 2021, at 11 a.m.

MONDAY, MARCH 15, 2021

The Senate met at 11:01 a.m.

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

Prayer was offered by Bishop Joe Thomas, Nondenominational Fellowship Pentecostal Ministries, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Richard D. Lindsay II, a senator from the eighth district.

Pending the reading of the Journal of Friday, March 12, 2021,

At the request of Senator Maynard, 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 amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 295, Relating generally to economic development loans and loan insurance issued by state.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page eight, section eleven, beginning on line one hundred forty-four, following the words “transaction records” and the period, by striking out the words “Records of the authority that may be held from time to time by the board pursuant to this subsection shall not be considered public records and shall be exempt from disclosure pursuant to the provisions of §29B-1-1 et seq. of this code” and the period, and inserting in lieu thereof the words “Records of the authority held from time to time by the board pursuant to this subsection that are exempt from disclosure pursuant to the provisions of §31-15-22 of this code or §29B-1-1 et seq. of this code shall remain so while held by the board” and a period;

On page ten, section eleven-a, line forty-one, following the words “authorized by this”, by striking out the word “subsection” and inserting in lieu thereof the word “section”;

On page ten, section eleven-a, line forty-four, following the word “pool” and the period, by striking out the words “The rate shall be set on July 1, 2017” and the comma and inserting in lieu thereof the words “The rate shall be the rate set on July 1, 2017, under prior enactment of §12-6C-11(h) of this code” and a comma;

On page eleven, section eleven-a, line eighty, following the words “insurance agreements” and the comma, by striking out the word “board” and inserting in lieu thereof the words “authority meeting”;

On page eighteen, section eight-a, line thirty, by striking out the section designation “§31G-1-1” and inserting in lieu thereof the section designation “§31G-1-2”;

On page eighteen, section eight-a, line thirty-two, following the words “wireless technology” and the semicolon, by inserting the word “and”;

On page eighteen, section eight-a, line thirty-six, following the words “by the council”, by striking out the period and inserting in lieu thereof a semicolon and the word “or”;

On page twenty-one, section eight-a, line one hundred twelve, following the subdivision designation “(4)” and the word “This”, by striking out the word “provision” and inserting in lieu thereof the word “subsection”;

On page twenty-one, section eight-a, line one hundred eighteen, following the word “section”, by striking out the words “for such applications”;

On page twenty-two, section eight-a, line one hundred thirty-two, following the words “reports and”, by striking out the words “annual legislative audit” and inserting in lieu thereof the words “biennial legislative audits”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 295—A Bill to amend and reenact §12-6C-11 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §12-6C-11a; to amend and reenact §31-15-8 of said code; and to amend said code by adding thereto a new section, designated §31-15-8a, all relating generally to economic development loans and loan insurance issued by the state; clarifying provision stating that the Board of Treasury Investments has no fiduciary duty with regard to economic development loans administered by the Economic Development Authority; providing that the Board of Treasury Investments may inspect and copy, upon written notice, all records related to loans made available by the board to the Economic Development Authority and providing that

certain records so copied and inspected shall be exempt from disclosure pursuant to the provisions of chapter 29B of the code and other law; defining terms; limiting the total amount of loan moneys that the board shall make available to the authority for the Broadband Loan Insurance Program to \$80 million; establishing requirements that must be met before broadband loan insurance moneys will be made available to the authority; limiting the amount of loan insurance that the authority may award in a single year to a single broadband provider to \$20 million; providing that the authority shall maintain broadband loan insurance loan moneys in a separate and segregated account; providing that broadband loan insurance moneys may only be drawn upon in the event of a broadband provider default on an insured debt or security instrument; clarifying that the authority may not deduct administrative or operational costs from broadband loan insurance loan moneys; setting forth requirements that must be met before the authority may withdraw loan insurance moneys in the event of a broadband provider's default; providing that the authority may only use loan insurance moneys to satisfy certain obligations arising under a loan insurance agreement; requiring the authority to submit quarterly reports to the Joint Committee on Government and Finance and to the Governor containing certain information related to its loan insurance program; requiring the authority to make application forms for broadband loan insurance publicly available on its website; establishing the minimum information an applicant for broadband loan insurance shall be required to submit to the authority; establishing minimum criteria that the authority must consider in its broadband loan insurance application review process; establishing that the authority may provide loan insurance for eligible broadband providers pursuant to awards made by federally funded broadband expansion programs; providing that the authority may not issue loan insurance to a broadband provider that has previously defaulted on any debt or security instrument insured by the authority; requiring the authority to post certain information regarding loan insurance agreements on its website; requiring the authority to adhere to certain accounting and record-keeping practices; requiring the authority to submit quarterly reports to the Board of Treasury Investments, the Joint Committee on Government and Finance, and the Governor containing certain

information on insured loans and broadband projects financed by insured loans; requiring a biennial legislative audit of the Broadband Loan Insurance Program; removing obsolete language; and making technical corrections.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 295, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Plymale—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 295) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Plymale—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 295) takes effect from passage.

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

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

Eng. Com. Sub. for House Bill 2382—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from combustion of solid waste; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from municipal solid waste landfills; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to acid rain provisions and permits; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of greenhouse gas emissions from existing coal-fired electric utility generating units; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements governing water quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste management system; and authorizing the

Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment rule.

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 2682—A Bill to amend and reenact §33-12-8 and §33-12-9 of the Code of West Virginia, 1931, as amended, and to amend and reenact §33-12B-13 and §33-12B-14 of said code, all relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements; changing the requirement that the Insurance Commissioner send license suspensions to insurance producers by certified mail with a requirement that the suspensions be sent by electronic mail or regular mail, if requested; providing that each agent, insurance agency, solicitor, or service representative must report his or her respective electronic mail address to the Insurance Commissioner and providing time periods to report changes of information provided to Insurance Commissioner; changing the requirement that the Insurance Commissioner send license suspensions to insurance adjusters by certified mail with a requirement that the suspensions be sent by electronic mail or regular mail, if requested; and providing that each insurance adjuster must report his or her respective electronic mail address to the Insurance Commissioner and providing time periods to report changes of information provided to Insurance Commissioner.

At the request of Senator Takubo, and by unanimous consent, the bill was taken up for immediate consideration and reference to a committee dispensed with.

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 2758—A Bill to amend and reenact §51-10-1 and §51-10-8 of the Code of West Virginia, 1931, as amended, all relating to requiring the Insurance Commissioner to regulate professional bondsmen; providing definitions; requiring the Insurance Commissioner to promulgate and propose rules and regulations to carry out the intent, administration and enforcement of the article; requiring the Insurance Commissioner to promulgate and propose rules and regulations regarding qualifications of bondsman; setting forth requirements for bondsman applicants; setting forth filing requirements for bondsmen with the Insurance Commissioner; setting forth renewal requirements for bondsman authorization; providing criminal penalty for false affidavit; requiring Insurance Commissioner to keep a list of authorized bondsmen and furnish to a place of detention upon request; and, after July 1, 2022, requiring all bondsmen to be authorized by the Insurance Commissioner.

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 2763—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5A-6C-1, §5A-6C-2, §5A-6C-3, and §5A-6C-4, all relating to “West Virginia Cyber Incident Reporting;” providing for definitions; applying the scope to all state agencies within the executive branch, Constitutional officers, all local government entities, county boards of education, the judicial branch, and the legislative branch; providing criteria for reporting incidents; and providing for an annual report.

Referred to the Committee on Government Organization.

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

Eng. House Bill 2788—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021, in the amount of \$6,497,548 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 2789—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2021, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 2802—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Emergency Management, fund 0443, fiscal year 2021, organization 0606, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 2803—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry, fund 0250, fiscal year 2021, organization 0305, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

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

Eng. House Bill 2804—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021 in the amount of \$13,500,000 from the Department of Administration, Board of Risk and Insurance Management, Mine Subsidence Insurance Fund, fund 2361, fiscal year 2021, organization 0218; and in the amount of \$2,000,000 from the Department of Veterans' Assistance, Veterans' Facilities Support Fund, fund 6703, fiscal year 2021, organization 0613.

Referred to the Committee on Finance.

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 2916—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-13A-1, §4-13A-2, §4-13A-3, §4-13A-4, §4-13A-5, §4-13A-6, and §4-13A-7, relating to the creation of the West Virginia Semiquincentennial Commission and Fund to

support the celebration of the 250th anniversary of our nation's founding; providing for the method and manner by which the commission shall be appointed; providing for expense reimbursement for the commission's members; establishing the powers and duties of the commission; and providing a sunset provision for the commission.

Referred to the Committee on Government Organization.

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 2932—A Bill to amend §1-7-2 and §1-7-3 of the Code of West Virginia, 1931, as amended, relating to the protection of an individual's freedom of association.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 562, Relating to juvenile competency proceedings.

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

Com. Sub. for Senate Bill 562 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §49-4-712 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto nine new sections, designated §49-4-727, §49-4-728, §49-4-729, §49-4-730, §49-4-731, §49-4-732, §49-4-733, §49-4-734, and §49-4-735, all relating to juvenile competency proceedings generally; creating a process to raise and resolve questions of a competency in juvenile delinquency matters; prohibiting a juvenile found to be incompetent to stand trial to be

placed in Bureau of Juvenile Services facility; defining terms; creating a rebuttable presumption that juveniles 14 years of age and older are competent to proceed; creating a rebuttable presumption that juveniles under 14 years of age are incompetent to proceed; providing all proceedings stayed until competency resolved; requiring the appointment of a guardian ad litem when a juvenile is determined to be incompetent; establishing qualifications for qualified forensic evaluators; requiring written competency evaluation report; requesting the Supreme Court to establish a training program for guardians ad litem; establishing time frames for jurisdiction and competency attainment services; establishing procedures for competency hearings; and providing disposition alternatives for incompetent juveniles and staying transfer to criminal jurisdiction.

And,

Senate Bill 566, Relating to interpretations of school laws.

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

Com. Sub. for Senate Bill 566 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §18-3-6 of the Code of West Virginia, 1931, as amended, relating to upholding and applying the Superintendent of Schools' interpretation of school law and State Board of Education rules.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2372, Allow pre-candidacy papers to be filed the day after the general election.

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:

By Senators Phillips and Stollings:

Senate Bill 641—A Bill to amend and reenact §11-13A-6a of the Code of West Virginia, 1931, as amended, relating to coal severance tax, providing for the use of severance funds for litter programs.

Referred to the Committee on Government Organization.

By Senator Rucker:

Senate Bill 642—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-15-1, §6-15-2, and §6-15-3, all relating to requiring the State Auditor to establish a website centralizing access to all postings of legal advertisements required by law.

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

By Senator Smith:

Senate Bill 643—A Bill to amend and reenact §8-15-8b of the Code of West Virginia, 1931, as amended; and to amend and

reenact §16-4C-24 of said code, all relating to volunteer fire departments and emergency medical services units; and providing that any increased costs or expenditures to volunteer fire departments that result from the implementation of a state legislative rule shall be funded respectively by the State Fire Commission and the Commissioner of the Bureau for Public Health.

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

By Senator Weld:

Senate Bill 644—A Bill to amend and reenact §30-26-2 of the Code of West Virginia, 1931, as amended, relating to engaging in the practice of hearing-aid dealer; and creating exemption for pursuing a course of study leading to a degree in speech-language pathology or audiology.

Referred to the Committee on Health and Human Resources.

Senator Smith offered the following resolution:

Senate Concurrent Resolution 26—Requesting the Division of Highways name bridge number 39-68/8-000.01 (39A234), locally known as King’s Trees Bridge, carrying CR 68/8 over Interstate 68 in Preston County, the “U.S. Army TEC5 William ‘Bill’ Thurman King Memorial Bridge”.

Whereas, William “Bill” Thurman King was born on June 24, 1925, in Bruceton Mills, Preston County, West Virginia; and

Whereas, William “Bill” Thurman 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, William “Bill” Thurman 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, William “Bill” Thurman King was a bus operator for the Preston County Board of Education; and

Whereas, It is fitting that an enduring memorial be established to commemorate TEC5 William “Bill” Thurman King and his contributions to his 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 39-68/8-000.01 (39A234), locally known as King’s Trees Bridge, carrying County Route 68/8 over Interstate 68 in Preston County, the “U.S. Army TEC5 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 “U.S. Army TEC5 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.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 25, McClintic Family Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 346, Authorizing DMV use electronic means when providing notice for licensees and vehicle owners.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Plymale—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 346) passed with its title.

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

Eng. Com. Sub. for Senate Bill 472, Updating criteria for regulating certain occupations and professions.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Plymale—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 472) passed with its title.

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

Eng. Senate Bill 523, Correcting improper code references.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Plymale—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 523) passed with its title.

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

Eng. Senate Bill 529, Correcting improper citation relating to DMV registration.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Romano, Rucker, Smith, Stollings, Stover,

Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Plymale—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 529) passed with its title.

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

Eng. Com. Sub. for House Bill 2011, Eliminating any time requirements for part time personnel to work during a working year.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Plymale—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2011) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2011—A Bill to amend and reenact §29-6-4 of the Code of West Virginia, 1931, as amended, relating to eliminating any time requirements for temporary employees to work during a working year to be exempt from classified service; and exempting temporary employees in state forests, parks, and recreational areas from classified service.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Plymale—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2011) 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 House Bill 2263, Update the regulation of pharmacy benefit managers.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 303, Creating Local Government Labor and Consumer Marketing Regulatory Limitation Act.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Com. Sub. for Senate Bill 318, Relating generally to public notice of unclaimed property held by State Treasurer.

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

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

On page two, section nine, line twenty-five, by striking out the word "once" and inserting in lieu thereof the word "twice".

The bill (Com. Sub. for Com. Sub. for S. B. 318), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 500, Prohibiting intimidation and retaliation against public officers and employees, jurors, and witnesses.

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 518, Relating to grounds for administrative dissolution of certain companies, corporations, and partnerships.

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

Eng. Com. Sub. for House Bill 2006, Relating to the West Virginia Contractor Licensing Act.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 4. THE LEGISLATURE.

ARTICLE 10. PERFORMANCE REVIEW ACT.

§4-10-10. Regulatory board review schedule.

(a) A regulatory board review is required for all regulatory boards.

(b) A regulatory board review shall be performed on each regulatory board at least once every 12 years, commencing as follows:

(1) 2017: Board of Accountancy; Board of Respiratory Care Practitioners; and Board of Social Work Examiners.

(2) 2018: Board of Examiners of Psychologists; Board of Optometry; and Board of Veterinary Medicine.

(3) 2019: Board of Acupuncture; Board of Barbers and Cosmetologists; and Board of Examiners in Counseling.

(4) 2020: Board of Hearing Aid Dealers; Board of Licensed Dietitians; and Nursing Home Administrators Board.

(5) 2021: Board of Dental Examiners; Board of Medicine; and Board of Pharmacy.

(6) 2022: Board of Chiropractic Examiners; Board of Osteopathy; and Board of Physical Therapy.

(7) 2023: Board of Occupational Therapy; Board of Examiners for Speech-Language Pathology and Audiology; and Medical Imaging and Radiation Therapy Board of Examiners.

(8) 2024: Board of Professional Surveyors; Board of Registration for Foresters; Contractor Licensing Board; and Board of Registration for Professional Engineers.

(9) 2025: Board of Examiners for Licensed Practical Nurses; Board of Examiners for Registered Professional Nurses; and Massage Therapy Licensure Board.

(10) 2026: Board of Architects; Board of Embalmers and Funeral Directors; and Board of Landscape Architects; and

(11) 2027: Board of Registration for Sanitarians; Real Estate Appraiser Licensure and Certification Board; and Real Estate Commission.

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF
THE GOVERNOR, SECRETARY OF STATE AND
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;
MISCELLANEOUS AGENCIES, COMMISSIONS,
OFFICES, PROGRAMS, ETC.**

ARTICLE 11A. WEST VIRGINIA FAIR HOUSING ACT.

**§5-11A-3a. Volunteer services or materials to build or install
basic universal design features; workers, contractors,
engineers, and architects; immunity from civil liability.**

Any person, including a worker, contractor, engineer or architect, who in good faith provides services or materials, without remuneration, to build or install basic universal design features as set forth in ~~section ten a, article eleven, chapter twenty one~~ §30-42-10 of this code may not be liable for any civil damages as the result of any act or omission in providing such services or

materials: *Provided*, That the basic universal design feature or features shall be built or constructed in accordance with applicable state and federal laws and applicable building codes.

ARTICLE 22. GOVERNMENT CONSTRUCTION CONTRACTS.

§5-22-1. Bidding required; government construction contracts to go to lowest qualified responsible bidder; procedures to be followed in awarding government construction projects; penalties for violation of procedures and requirements debarment; exceptions.

(a) This section and the requirements in this section may be referred to as the West Virginia Fairness in Competitive Bidding Act.

(b) As used in this section:

(1) “Lowest qualified responsible bidder” means the bidder that bids the lowest price and that meets, at a minimum, all the following requirements in connection with the bidder’s response to the bid solicitation. The bidder shall certify that it:

(A) Is ready, able, and willing to timely furnish the labor and materials required to complete the contract;

(B) Is in compliance with all applicable laws of the State of West Virginia; and

(C) Has supplied a valid bid bond or other surety authorized or approved by the contracting public entity.

(2) “The state and its subdivisions” means the State of West Virginia, every political subdivision thereof, every administrative entity that includes such a subdivision, all municipalities, and all county boards of education.

(3) “State spending unit” means a department, agency, or institution of the state government for which an appropriation is requested, or to which an appropriation is made by the Legislature.

(4) “Alternates” means any additive options or alternative designs included in a solicitation for competitive bids that are different from and priced separately from what is included in a base bid.

(5) “Construction project” means a specifically identified scope of work involving the act, trade, or process of building, erecting, constructing, adding, repairing, remodeling, rehabilitating, reconstructing, altering, converting, improving, expanding, or demolishing of a building, structure, facility, road, or highway. Repair and maintenance of existing public improvements that are recurring or ongoing in nature and that are not fully identified or known at any one time shall be considered a construction project and procured according to this article on an open-ended basis, so long as the work to be performed under the contract falls into a generally accepted single class, or type, and bidders are notified of the open-ended nature of the work in the solicitation: *Provided*, That no open-ended repair or maintenance contract may exceed \$500,000.

(c) The state and its subdivisions shall, except as provided in this section, solicit competitive bids for every construction project exceeding \$25,000 in total cost.

(1) If a solicitation contains a request for any alternates, the alternates shall be listed numerically in the order of preference in the solicitation.

(2) A vendor who has been debarred pursuant to §5A-3-33b through §5A-3-33f of this code, may not bid on or be awarded a contract under this section.

(d) All bids submitted pursuant to this chapter shall include a valid bid bond or other surety as approved by the State of West Virginia or its subdivisions.

(e) Following the solicitation of bids, the construction contract shall be awarded to the lowest qualified responsible bidder who shall furnish a sufficient performance and payment bond. The state and its subdivisions may reject all bids and solicit new bids on the project.

(f) Any solicitation of bids shall include no more than five alternates. Alternates, if accepted, shall be accepted in the order in which they are listed on the bid form. Any unaccepted alternate contained within a bid shall expire 90 days after the date of the opening of bids for review.

Determination of the lowest qualified responsible bidder shall be based on the sum of the base bid and any alternates accepted.

(g) The apparent low bidder on a contract valued at more than \$250,000 for the construction, alteration, decoration, painting, or improvement of a new or existing building or structure with a state spending unit shall submit a list of all subcontractors who will perform more than \$25,000 worth of work on the project including labor and materials. This section does not apply to other construction projects such as highway, mine reclamation, water, or sewer projects. The list shall include the names of the bidders and the license numbers as required by ~~§21-11-1~~ §30-42-1 *et seq.* of this code. This information shall be provided to the state spending unit within one business day of the opening of bids for review prior to the awarding of a construction contract. If the apparent low bidder fails to submit the subcontractor list, the spending unit shall promptly request by telephone and electronic mail that the low bidder and second low bidder provide the subcontractor list within one business day of the request. Failure to submit the subcontractor list within one business day of receiving the request shall result in disqualification of the bid. A subcontractor list may not be required if the bidder provides notice in the bid submission or in response to a request for a subcontractor list that no subcontractors who will perform more than \$25,000 worth of work will be used to complete the project.

(h) Written approval must be obtained from the state spending unit before any subcontractor substitution is permitted. Substitutions are not permitted unless:

(1) The subcontractor listed in the original bid has filed for bankruptcy;

(2) The state spending unit refuses to approve a subcontractor in the original bid because the subcontractor is under a debarment pursuant to §5A-3-33d of this code or a suspension under §5A-3-32 of this code; or

(3) The contractor certifies in writing that the subcontractor listed in the original bill fails, is unable, or refuses to perform the subcontract.

(i) The contracting public entity may not award the contract to a bidder which fails to meet the minimum requirements set out in this section. As to a prospective low bidder which the contracting public entity determines not to have met one or more of the requirements of this section or other requirements as determined by the public entity in the written bid solicitation, prior to the time a contract award is made, the contracting public entity shall document in writing and in reasonable detail the basis for the determination and shall place the writing in the bid file. After the award of a bid under this section, the bid file of the contracting public agency and all bids submitted in response to the bid solicitation shall be open and available for public inspection.

(j) The contracting public entity shall not award a contract pursuant to this section to any bidder that is known to be in default on any monetary obligation owed to the state or a political subdivision of the state, including, but not limited to, obligations related to payroll taxes, property taxes, sales and use taxes, fire service fees, or other fines or fees. Any governmental entity may submit to the Division of Purchasing information which identifies vendors that qualify as being in default on a monetary obligation to the entity. The contracting public entity shall take reasonable steps

to verify whether the lowest qualified bidder is in default pursuant to this subsection prior to awarding a contract.

(k) A public official or other person who individually or together with others knowingly makes an award of a contract under this section in violation of the procedures and requirements of this section is subject to the penalties set forth in §5A-3-29 of this code.

(l) No officer or employee of this state or of a public agency, public authority, public corporation, or other public entity and no person acting or purporting to act on behalf of an officer or employee or public entity may require that a performance bond, payment bond, or surety bond required or permitted by this section be obtained from a particular surety company, agent, broker, or producer.

(m) All bids shall be open in accordance with the provisions of §5-22-2 of this code, except design-build projects which are governed by §5-22A-1 *et seq.* of this code and are exempt from these provisions.

(n) Nothing in this section applies to:

(1) Work performed on construction or repair projects by regular full-time employees of the state or its subdivisions;

(2) Prevent students enrolled in vocational educational schools from being utilized in construction or repair projects when the use is a part of the student's training program;

(3) Emergency repairs to building components, systems, and public infrastructure. For the purpose of this subdivision, the term "emergency repairs" means repairs that if not made immediately will seriously impair the use of building components, systems, and public infrastructure or cause danger to persons using the building components, systems, and public infrastructure; and

(4) A situation where the state or subdivision thereof reaches an agreement with volunteers, or a volunteer group, in which the governmental body will provide construction or repair materials,

architectural, engineering, technical, or other professional services, and the volunteers will provide the necessary labor without charge to, or liability upon, the governmental body.

CHAPTER 21. LABOR.

ARTICLE 1. DIVISION OF LABOR.

§21-1-3. Inspections by commissioner; duties and records of employers; commissioner may appoint assistants.

The commissioner of labor and his or her authorized representatives shall have the power and authority in the discharge of their duties, to enter any place of employment or public institution, for the purpose of collecting facts and statistics relating to the employment of workers and of making inspections for the proper enforcement of all labor laws of the state. No employer or owner shall refuse to admit the commissioner of labor or his or her authorized representative when they so seek admission to his place of employment, public building, or place of public assembly.

The commissioner or his or her authorized representative shall, at least once each year, visit and inspect the principal factories and workshops of the state, and shall, upon complaint and request of any three or more reputable citizens, visit and inspect any place where labor is employed and make true report of the result of his or her inspection.

Every employer and owner shall furnish to the ~~department~~ division of labor all information which the commissioner of labor or his or her representative is ~~authorize~~ authorized to require, and shall make true and specific answers to all questions submitted by the ~~department~~ division of labor, orally or in writing as required by said division ~~department~~. Every employer shall keep a true and accurate record of the name, address, and occupation of each person employed by him or her and of the daily and weekly hours worked by each such person, and of the wages paid each pay period to each such person. Such records shall be kept on file for at least

one year after the date of the record. No employer shall make or cause to be made any false entries in any such record.

In addition to such other powers and duties as may be conferred upon the commissioner of labor by law, the ~~said~~ commissioner of labor shall have the power, duty, jurisdiction, and authority to employ, promote, and remove deputies, inspectors, clerks, and other assistants, as needed, and to fix their compensation, with regard to existing laws applicable to the employment and compensation of officers and employees of the State of West Virginia, and to assign to them their duties; to make or cause to be made all necessary inspections, including inspections relating to enforcing the West Virginia Contractor Licensing Act, §30-42-1 et seq., of this code. to see that all laws and lawful orders which the department has the duty, power, and authority to enforce, are promptly and effectively carried out.

ARTICLE 3C. ELEVATOR SAFETY.

§21-3C-10a. License requirements for elevator mechanics, accessibility technicians, limited technicians; contractors license requirements; supervision of elevator apprentices requirements.

(a) A person may not engage or offer to engage in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyances covered by this article in this state, unless he or she has a license issued by the commissioner in accordance with this article.

(b) A person licensed under this article shall:

(1) Have in his or her possession a copy of the license issued pursuant to this article on any job on which he or she is performing elevator mechanic work; and

(2) Be, or be employed by, a contractor licensed pursuant to the provisions of ~~article eleven, chapter twenty-one~~ §30-42-1 et seq. of this code unless the work is performed by a historic resort hotel's regular employees, for which the employees are paid regular wages

and not a contract price, on property owned or leased by the historic resort hotel which is not intended for speculative sale or lease;

(c) *Elevator mechanic license.* —

(1) To obtain an elevator mechanic's license, a person shall:

(A) Successfully complete educational programs that are registered with the Bureau of Apprenticeship and Training of the United States Department of Labor, including all required examinations and work experience: *Provided*, That if an applicant successfully completes such educational program prior to being registered with the Bureau of Apprenticeship and Training of the United States Department of Labor, the division may grant a license to the applicant after he or she demonstrates to the commissioner that he or she has successfully completed all the test and work experience requirements; or

(B) (i) Provide to the commissioner an acceptable combination of documented experience and educational credits of not less than four years of recent and active experience in the elevator industry in construction, maintenance, or service/repair or any combination thereof, as verified by current and previous employers listed to do business in this state, on a sworn affidavit; and

(ii) Obtain a score of 70 percent or better on a written competency examination approved or provided by the division.

(2) A licensed elevator mechanic may work on all elevators covered by this article.

(d) *Accessibility technician license.* —

(1) To obtain an accessibility technician's license a person shall:

(A) Provide to the commissioner a certificate of completion of an accessibility training program for the elevator industry such as the Certified Accessibility Training (CAT) program by the

National Association of Elevator Contractors, or an equivalent nationally recognized training program; or

(B) (i) Have at least 18 months experience in the construction, maintenance, service and repair, or any combination thereof, as verified by current and previous employers, licensed to do business in this state, on a sworn affidavit, of accessibility lifts;

(ii) Have at least one year of documented vocational training and/or an associate degree in a related field; and

(iii) Obtain a score of 70 percent or better on a written competency examination approved or provided by the commissioner.

(2) A person holding an accessibility technician license may only perform work on accessibility equipment.

(3) A person holding an accessibility technician license may obtain a limited use/limited application (LULA) elevator endorsement. To obtain the LULA elevator endorsement, such person shall:

(A) (i) Hold a current accessibility technician license;

(ii) Provide the commissioner with a certificate of LULA manufacturer's training; and

(iii) Provide at least one year of documented work experience to the commissioner, on a sworn affidavit, in the construction, maintenance, service and repair of LULA elevators and comparable equipment, which was completed under the supervision of a licensed accessibility technician; or

(B) As of July 1, 2012, have at least 18 months of accessibility technician's experience in construction, maintenance, service and repair, or any combination thereof, as verified by current and previous employers, licensed to do business in this state, on a sworn affidavit: *Provided*, That an additional one year of documented work as an accessibility technician with certification

of manufacturer's factory training, is required before a LULA endorsement may be obtained.

(4) Any person carrying an accessibility license as of July 1, 2012, shall receive the required endorsement to continue to work on this type of equipment, and will be qualified to supervise future applicants as described in this section.

(e) *Limited technician license.* —

(1) To obtain a limited technician's license an applicant shall:

(A) Complete a certified apprenticeship program, registered by the United States Department of Labor established at a historic resort hotel, qualifying for a limited technician license; or

(B) Provide an acceptable combination of documented experience, and educational credits of not less than three years of recent and active experience in the elevator industry, in maintenance, or service/repair or any combination thereof, as verified by current and previous employers authorized to do business in this state, on a sworn affidavit; and obtain a score of 70 percent or better on a written competency examination approved or provided by the division.

(2) A person holding a limited technician license may only perform work at a historic resort hotel: *Provided*, That for purposes of this section, "historic resort hotel" has the same meaning ascribed to it in §29-25-2 of this code.

(f) *Elevator apprentice.* —

(1) An elevator apprentice who is enrolled in an apprenticeship program approved by the commissioner, and who is in good standing in the program, may work under the supervision of a licensed elevator mechanic, as follows:

(A) An apprentice who has not successfully completed the equivalent of at least one year of the program may work only under

the direct supervision of a licensed elevator mechanic who is present on the premises and available to the apprentice at all times.

(B) An apprentice who has successfully completed the equivalent of at least one year of the program may:

(i) Work under the direct supervision of a licensed elevator mechanic as set forth in subdivision (1) of this subsection; and

(ii) Perform the tasks set forth in this paragraph, only if delegated by and performed under the general supervision of a licensed elevator mechanic, who must, at a minimum, meet the apprentice on the job at the beginning of each day to delegate the specific tasks, and who remains responsible for the delegated tasks:

(I) Oiling, cleaning, greasing and painting;

(II) Replacing of combplate teeth;

(III) Relamping and fixture maintenance;

(iv) Inspection, cleaning and lubricating of hoistway doors, car tops, bottoms and pits; and

(IV) Observing operation of equipment.

§21-3C-10b. Issuance and renewal of licenses.

(a) Upon approval of a properly completed application for licensure, the commissioner may issue a person a license under the provisions of this article.

(b) The licenses issued under the provisions of this article shall be renewed biennially upon application for renewal on a form prescribed by the commissioner and payment of a fee established by legislative rule.

(c) Upon a proper application for renewal, the commissioner shall renew a license, even if the license holder is unemployed or not working in the industry at the time of renewal: *Provided*, That

before the license holder may engage or offer to engage in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator or related conveyance covered by this article, the license holder shall be a contractor, or be employed by a contractor licensed pursuant to the provisions of ~~section ten(a); article eleven, chapter twenty one of the code~~ §30-42-1 et seq., of this code.

§21-3C-11. Disposition of fees; legislative rules.

(a) The division shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code, for the implementation and enforcement of the provisions of this article, which shall provide:

(1) Standards, qualifications, and procedures for submitting applications, taking examinations and issuing and renewing licenses, certificates of competency and certificates of operation of the three licensure classifications set forth in §21-3C-10a of this code;

(2) For the renewal of a license, even if the licensee is unemployed or not working in the industry: *Provided*, That to engage or offer to engage in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator or related conveyance covered by this article, the licensee shall be a contractor, or be employed by a contractor licensed pursuant to ~~§21-11-6 of the code~~ §30-42-1 et seq., of this code;

(3) Qualifications and supervision requirements for elevator apprentices;

(4) Provisions for the granting of licenses without examination, to applicants who present satisfactory evidence of having the expertise required to perform work as defined in this article and who apply for licensure on or before July 1, 2010: *Provided*, That if a license issued under the authority of this subsection subsequently lapses, the applicant may, at the discretion of the

commissioner, be subject to all licensure requirements, including the examination;

(5) Provisions for the granting of emergency licenses in the event of an emergency due to disaster, act of God, or work stoppage when the number of persons in the state holding licenses issued pursuant to this article is insufficient to cope with the emergency;

(6) Provisions for the granting of temporary licenses in the event that there are no elevator mechanics available to engage in the work of an elevator mechanic as defined by this article;

(7) Continuing education requirements;

(8) Procedures for investigating complaints and revoking or suspending licenses, certificates of competency and certificates of operation, including appeal procedures;

(9) Fees for testing, issuance and renewal of licenses, certificates of competency and certificates of operation, and other costs necessary to administer the provisions of this article;

(10) Enforcement procedures; and

(11) Any other rules necessary to effectuate the purposes of this article.

(b) The rules proposed for promulgation pursuant to subsection (a) of this section shall establish the amount of any fee authorized pursuant to the provisions of this article: *Provided*, That in no event may the fees established for the issuance of certificates of operation exceed \$90.

(c) All fees paid pursuant to this article shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account hereby created in the State Treasury known as the Elevator Safety Fund and expended for the implementation and enforcement of this article. Through June 30, 2019, amounts collected which are found from time to time to exceed funds needed for the purposes set forth in this article may be utilized by

the commissioner as needed to meet the division's funding obligations: *Provided*, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division's funding obligations.

(d) The division may enter into agreements with counties and municipalities whereby such counties and municipalities be permitted to retain the inspection fees collected to support the enforcement activities at the local level.

(e) The commissioner or his or her authorized representatives may consult with engineering authorities and organizations concerned with standard safety codes, rules and regulations governing the operation, maintenance, servicing, construction, alteration, installation and the qualifications which are adequate, reasonable and necessary for the elevator mechanic and inspector.

ARTICLE 9. MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS.

§21-9-2. Definitions.

(a) "Board" means the West Virginia Manufactured Housing Construction and Safety Board created in this article.

(b) "Commissioner" means the Commissioner of the West Virginia State Division of Labor.

(c) "Contractor" means any person who performs operations in this state at the occupancy site which render a manufactured home fit for habitation. The operations include, without limitation, installation or construction of the foundation, positioning, blocking, leveling, supporting, tying down, connecting utility systems, making minor adjustments or assembling multiple or expandable units. The operations also include transporting the unit to the occupancy site by other than a motor carrier regulated by the West Virginia Public Service Commission.

Contractor does not include:

(1) A person who personally does work on a manufactured home which the person owns or leases; or

(2) A person who is licensed under ~~article eleven of this chapter~~ §30-42-1 et seq., of this code and is performing work on a manufactured home pursuant to a contract with a person licensed under §21-9-9 of this code.

(d) “Dealer” means any person engaged in this state in the sale, leasing, or distributing of new or used manufactured homes, primarily to persons who in good faith purchase or lease a manufactured home for purposes other than resale.

(e) “Defect” includes any defect in the performance, construction, components, or material of a manufactured home that renders the home or any part of the home not fit for the ordinary use for which it was intended.

(f) “Distributor” means any person engaged in this state in the sale and distribution of manufactured homes for resale.

(g) “Federal standards” means the National Manufactured Housing Construction and Safety Standards Act of 1974, and federal manufactured home construction and safety standards and regulations promulgated by the Secretary of HUD to implement that act.

(h) “HUD” means the United States Department of Housing and Urban Development.

(i) “Manufacturer” means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes for resale.

(j) “Manufactured home” means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or ~~forty~~ 40 or more feet in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required

utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certificate which complies with the applicable federal standards. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site.

(k) "Purchaser" means the first person purchasing a manufactured home in good faith for purposes other than resale.

§21-9-9. License required; fees; form of license; display of license; denial, suspension, or revocation.

(a) No manufacturer, dealer, distributor, or contractor shall engage in business in this state without first having applied for and received a license pursuant to this section. The license shall authorize the holder to engage in the business permitted by the license. All license applications shall be accompanied by the required fee and surety bond or other form of assurance or fee assessed in satisfaction of assurance as required by rule or regulation promulgated by the board.

(b) All licenses shall be granted or refused within 30 days after proper and complete application. All licenses shall expire on June 30 of each year, unless sooner revoked or suspended. Applications shall be deemed valid for a period of 30 days.

(c) The annual license fees shall be in the amounts prescribed ~~from time to time~~ by rules promulgated by the board but in no event less than the following amounts:

- (1) For manufacturers, \$300;
- (2) For dealers, \$100;
- (3) For distributors, \$100; and

(4) For contractors, \$50: *Provided*, That if a contractor has met the licensing requirements of this article and the West Virginia Contractor Licensing Act in ~~§21-11-1 et seq.~~ §30-42-1 et seq., of this code, has paid the annual license fee under ~~§21-11-8~~ §30-42-8 of this code and has furnished bond or other assurance or fee under §21-9-10 of this code, he or she shall not be required to pay the annual license fee set forth in this section.

(d) The board shall prescribe the form of license and each license shall have affixed thereon the seal of the State Division of Labor.

(e) Each licensee shall conspicuously display the license in its established place of business.

(f) Pursuant to such rules and regulations as may be promulgated by the board, the board may deny the issuance of a license or revoke or suspend any license.

(g) All fees paid pursuant to this article shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account in the State Treasury to be known as the State Manufactured Housing Administration Fund. Expenditures from the fund shall be for the administration and enforcement of this article. Through June 30, 2019, amounts collected which are found ~~from time to time~~ to exceed funds needed for the purposes set forth in this article may be utilized by the commissioner as needed to meet the division's funding obligations: *Provided*, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division's funding obligations.

ARTICLE 11. WEST VIRGINIA CONTRACTOR LICENSING ACT.

§21-11-1. Short title.

[Repealed.]

§21-11-2. Policy declared.

[Repealed.]

§21-11-3. Definitions.

[Repealed.]

§21-11-4. West Virginia contractor licensing board created; members; appointment; terms; vacancies; qualifications; quorum.

[Repealed.]

§21-11-5. Administrative duties of the board; regulations.

[Repealed.]

§21-11-6. Necessity for license; exemptions.

[Repealed.]

§21-11-7. Application for and issuance of license.

[Repealed.]

§21-11-8. Licenses; expiration date; fees; renewal.

[Repealed.]

§21-11-9. Unlawful use, assignment, transfer of license; revocation.

[Repealed.]

§21-11-10. Prerequisites to obtaining building permit; mandatory written contracts.

[Repealed.]

§21-11-10a. Informational list for basic universal design features; penalties.

[Repealed.]

§21-11-11. Notice included with invitations to bid and specifications.

[Repealed.]

§21-11-12. License renewal, lapse and reinstatement.

[Repealed.]

§21-11-13. Violation of article; injunction; criminal penalties.

[Repealed.]

§21-11-14. Disciplinary powers of the board.

[Repealed.]

§21-11-15. Administrative duties of division.

[Repealed.]

§21-11-16. Rules.

[Repealed.]

§21-11-17. Recordkeeping; fees.

[Repealed.]

§21-11-18. Reciprocity.

[Repealed.]

§21-11-20. Board authorized to provide training.

[Repealed.]

**ARTICLE 11A. NOTICE AND OPPORTUNITY TO CURE
CONSTRUCTION DEFECTS.**

§21-11A-2. Applicability of article.

This article does not apply to an action:

(1) Against a contractor for which a claimant, as a consumer, is entitled to a specific remedy pursuant to chapter 46A of this code;

(2) Against a contractor who is not licensed under the provisions of ~~article eleven of this chapter~~ §30-42-1 et seq. of this code;

(3) Demanding damages of \$5,000 or less;

(4) Alleging a construction defect that poses an imminent threat of injury to person or property;

(5) Alleging a construction defect that causes property not to be habitable;

(6) Against a contractor who failed to provide the notice required by §21-11A-5 or §21-11A-6 of this code;

(7) Against a contractor if the parties to the contract agreed to submit claims to mediation, arbitration, or another type of alternative dispute resolution; or

(8) Alleging claims for personal injury or death.

§21-11A-4. Applicability of definitions; definitions.

For the purposes of this article, the words or terms defined in this article, and any variation of those words or terms required by the context, have the meanings ascribed to them in this article. These definitions are applicable unless a different meaning clearly appears from the context.

(1) “Action” means any civil action, or any alternative dispute resolution proceeding other than the negotiation required under this article, for damages, asserting a claim for injury or loss to real or personal property caused by an alleged defect arising out of or related to residential improvements.

(2) “Claim” means a demand for damages by a claimant based upon an alleged construction defect in residential improvements.

(3) “Claimant” means a homeowner, including a subsequent purchaser, who asserts a claim against a contractor concerning an alleged construction defect in residential improvements.

(4) “Construction defect” means a deficiency in, or a deficiency arising out of, the design, specifications, planning, supervision or construction of residential improvements that results from any of the following:

(A) Defective material, products, or components used in the construction of residential improvements;

(B) Violation of the applicable codes in effect at the time of construction of residential improvements;

(C) Failure in the design of residential improvements to meet the applicable professional standards of care;

(D) Failure to complete residential improvements in accordance with accepted trade standards for good and workmanlike construction: *Provided*, That compliance with the applicable codes in effect at the time of construction is *prima facie* evidence of construction in accordance with accepted trade standards for good and workmanlike construction, with respect to all matters specified in those codes; or

(E) Failure to properly oversee, supervise, and inspect services or goods provided by the contractor’s subcontractor, officer, employee, agent, or other person furnishing goods or services.

(5) “Contract” means a written contract between a contractor and a claimant by the terms of which the contractor agrees to provide goods or services, by sale or lease, to or for a claimant.

(6) “Contractor” means a contractor, licensed under the provisions of ~~article eleven of this chapter~~ §30-42-1 et seq., of this code, who has entered into a contract directly with a claimant. The term does not include the contractor’s subcontractor, officer, employee, agent or other person furnishing goods or services to a claimant.

(7) “Day” means a calendar day. If an act is required to occur on a day falling on a Saturday, Sunday or holiday, the first working day which is not one of these days should be counted as the required day for purposes of this article.

(8) “Goods” means supplies, materials, or equipment.

(9) “Parties” means: (A) The claimant; and (B) any contractor, subcontractor, agent or other person furnishing goods or services and upon whom a claim of an alleged construction defect has been served under this article.

(10) “Residential improvements” means: (A) The construction of a residential dwelling or appurtenant facility or utility; (B) an addition to, or alteration, modification, or rehabilitation of an existing dwelling or appurtenant facility or utility; or (C) repairs made to an existing dwelling or appurtenant facility or utility; In addition to actual construction or renovation, residential improvements actually added to residential real property include the design, specifications, surveying, planning, goods, services and the supervision of a contractor’s subcontractor, officer, employee, agent, or other person furnishing goods or services to a claimant.

(11) “Services” means the furnishing of skilled or unskilled labor or consulting or professional work, or a combination thereof.

(12) “Subcontractor” means a contractor who performs work on behalf of another contractor on residential improvements.

(13) “Supplier” means a person who provides goods for residential improvements.

ARTICLE 16. REGULATION OF HEATING, VENTILATING AND COOLING WORK.

§21-16-4. Scope of practice.

(a) ~~A~~ An HVAC technician in training is authorized to assist in providing heating, ventilating, and cooling work only under the direction and control of a HVAC technician.

(b) ~~A~~ An HVAC technician is authorized to provide heating, ventilating, and cooling work without supervision.

(c) Persons licensed under this article are subject to the applicable provisions of the Contractor Licensing Act in ~~article eleven of this chapter~~ §30-42-1 et seq., of this code in the performance of work authorized by this article.

CHAPTER 21A. UNEMPLOYMENT COMPENSATION.

ARTICLE 10. GENERAL PROVISIONS.

§21A-10-11. Reporting requirements and required information; use of information; libel and slander actions prohibited.

(a) Each employer, including labor organizations as defined in subsection (i) of this section, shall, quarterly, submit certified reports on or before the last day of the month next following the calendar quarter, on forms to be prescribed by the commissioner. The reports shall contain:

(1) The employer's assigned unemployment compensation registration number, the employer's name and the address at which the employer's payroll records are maintained;

(2) Each employee's Social Security account number, name, and the gross wages paid to each employee, which shall include the first \$12,000 of remuneration and all amounts in excess of that amount, notwithstanding §21-1A-28(b)(1) of this code;

(3) The total gross wages paid within the quarter for employment, which includes money wages and the cash value of other remuneration, and shall include the first \$12,000 of remuneration paid to each employee and all amounts in excess of that amount, notwithstanding §21-1A-28(b)(1) of this code; and

(4) Other information that is reasonably connected with the administration of this chapter.

(b) Information obtained may not be published or be open to public inspection to reveal the identity of the employing unit or the individual.

(c) Notwithstanding the provisions of subsection (b) of this section, the commissioner may provide information obtained to the following governmental entities for purposes consistent with state and federal laws:

(1) The United States Department of Agriculture;

(2) The state agency responsible for enforcement of the Medicaid program under Title XIX of the Social Security Act;

(3) The United States Department of Health and Human Services or any state or federal program operating and approved under Title I, Title II, Title X, Title XIV or Title XVI of the Social Security Act;

(4) Those agencies of state government responsible for economic and community development; early childhood, primary, secondary, postsecondary, and vocational education; the West Virginia P-20 longitudinal data system established pursuant to §18B-1D-10 of this code; and vocational rehabilitation, employment and training, including, but not limited to, the administration of the Perkins Act and the Workforce Innovation and Opportunity Act;

(5) The Tax Division, but only for the purposes of collection and enforcement;

(6) The Division of Labor for purposes of enforcing the wage bond pursuant to the provisions of §21-5-14 of this code ~~and the contractor licensing provisions of chapter twenty-one of this code;~~

(7) The contractors licensing board for the purpose of enforcing the contractors licensing provisions pursuant to §30-42-1 et seq., of this code;

(7) (8) Any agency of this or any other state, or any federal agency, charged with the administration of an unemployment compensation law or the maintenance of a system of public employment offices;

(8) (9) Any claimant for benefits or any other interested party to the extent necessary for the proper presentation or defense of a claim; and

(9) (10) The Insurance Commissioner for purposes of its Workers Compensation regulatory duties.

(d) The agencies or organizations which receive information under subsection (c) of this section shall agree that the information shall remain confidential as not to reveal the identity of the employing unit or the individual consistent with the provisions of this chapter.

(e) The commissioner may, before furnishing any information permitted under this section, require that those who request the information shall reimburse ~~the Bureau of Employment Programs~~ WorkForce West Virginia for any cost associated for furnishing the information.

(f) The commissioner may refuse to provide any information requested under this section if the agency or organization making the request does not certify that it will comply with the state and federal law protecting the confidentiality of the information.

(g) A person who violates the confidentiality provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$20 nor more than \$200 or confined in a county or regional jail not longer than 90 days, or both.

(h) An action for slander or libel, either criminal or civil, may not be predicated upon information furnished by any employer or any employee to the commissioner in connection with the administration of any of the provisions of this chapter.

(i) For purposes of subsection (a) of this section, the term “labor organization” means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work. It includes any entity, also known as a hiring hall, which is used by the organization and an employer to carry out requirements described in 29 U. S. C. §158(f)(3) of an agreement between the organization and the employer.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 42. WEST VIRGINIA CONTRACTOR LICENSING ACT.

§30-42-1. Short title.

This article shall be known and may be cited as the “West Virginia Contractor Licensing Act”.

§30-42-2. Policy declared.

It is hereby declared to be the policy of the State of West Virginia that all persons desiring to perform contracting work in this state be duly licensed to ensure capable and skilled craftsmanship utilized in construction projects in this state, both public and private; fair bidding practices between competing contractors through uniform compliance with the laws of this state; and protection of the public from unfair, unsafe, and unscrupulous bidding and construction practices.

§30-42-3. Definitions.

(a) “Basic universal design” means the design of products and environments to be useable by all people, to the greatest extent possible, without the need for adaptation or specialization.

(b) “Board” means the West Virginia Contractor Licensing Board.

(c) “Cease and desist order” means an order issued by the board pursuant to the provisions of this article.

(d) “Contractor” means a person who in any capacity for compensation, other than as an employee of another, undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish any building, highway, road, railroad, structure, or excavation associated with a project, development, or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith, where the cost of the undertaking is \$5,000 or more for residential work or \$25,000 or more for commercial work.

Contractor includes a construction manager who performs management and counseling services for a construction project for a professional fee.

Contractor does not include:

(1) One who merely furnishes materials or supplies without fabricating or consuming them in the construction project;

(2) A person who personally performs construction work on the site of real property which the person owns or leases whether for commercial or residential purposes;

(3) A person who is licensed or registered as a professional and who functions under the control of any other licensing or regulatory board, whose primary business is real estate sales, appraisal, development, management, and maintenance, who acting in his or her respective professional capacity and any employee of the professional, acting in the course of his or her employment, performs any work which may be considered to be performing contracting work;

(4) A pest control operator licensed under the provisions of §19-16A-7 of this code to engage in the application of pesticides

for hire, unless the operator also performs structural repairs exceeding \$1,000 on property treated for insect pests;

(5) A corporation, partnership, or sole proprietorship whose primary purpose is to prepare construction plans and specifications used by the contractors defined in this subsection and who employs full-time a registered architect licensed to practice in this state or a registered professional engineer licensed to practice in this state. Employees of the corporation, partnership or sole proprietorship shall also be exempt from the requirements of this article; or

(6) A person who performs landscaping or painting services for commercial or residential customers.

(e) “Electrical contractor” means a person who engages in the business of contracting to install, erect, repair, or alter electrical equipment for the generation, transmission, or utilization of electrical energy.

(f) “General building contractor” means a person whose principal business is in connection with any structures built, being built, or to be built for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind, requiring in the construction the use of more than two contractor classifications, or a person who supervises the whole, or any part, of the construction.

(g) “General engineering contractor” means a person whose principal business is in connection with public or private works projects, including, but not limited to, one or more of the following: Irrigation, drainage, and water supply projects; electrical generation projects; swimming pools; flood control; harbors; railroads; highways; tunnels; airports and airways; sewers and sewage disposal systems; bridges; inland waterways; pipelines for transmission of petroleum and other liquid or gaseous substances; refineries; chemical plants and other industrial plants requiring a specialized engineering knowledge and skill; piers and foundations; and structures or work incidental thereto.

(h) “Heating, ventilating and cooling contractor” means a person who engages in the business of contracting to install, erect, repair, service, or alter heating, ventilating and air conditioning equipment or systems to heat, cool, or ventilate residential and commercial structures.

(i) “License” means a license to engage in business in this state as a contractor in one of the classifications set out in this article.

(j) “Multifamily contractor” means a person who is engaged in construction, repair, or improvement of a multifamily residential structure.

(k) “Person” includes an individual, firm, sole proprietorship, partnership, corporation, association, or other entity engaged in the undertaking of construction projects or any combination thereof.

(l) “Piping contractor” means a person whose principal business is the installation of process, power plant, air, oil, gasoline, chemical, or other kinds of piping; and boilers and pressure vessels using joining methods of thread, weld, solvent weld, or mechanical methods.

(m) “Plumbing contractor” means a person whose principal business is the installation, maintenance, extension, and alteration of piping, plumbing fixtures, plumbing appliances and plumbing appurtenances, venting systems and public or private water supply systems within or adjacent to any building or structure; included in this definition is installation of gas piping, chilled water piping in connection with refrigeration processes and comfort cooling, hot water piping in connection with building heating and piping for stand pipes.

(n) “Residential contractor” means a person whose principal business is in connection with construction, repair, or improvement of real property used as, or intended to be used for, residential occupancy.

(o) “Specialty contractor” means a person who engages in specialty contracting services which do not substantially fall within the scope of any contractor classification as set out herein.

(p) “Residential occupancy” means occupancy of a structure for residential purposes for periods greater than 30 consecutive calendar days.

(q) “Residential structure” means a building or structure used or intended to be used for residential occupancy, together with related facilities appurtenant to the premises as an adjunct of residential occupancy, which contains not more than three distinct floors which are above grade in any structural unit regardless of whether the building or structure is designed and constructed for one or more living units. Dormitories, hotels, motels, or other transient lodging units are not residential structures.

(r) “Subcontractor” means a person who performs a portion of a project undertaken by a principal or general contractor or another subcontractor.

§30-42-4. West Virginia contractor licensing board created; members; appointment; terms; vacancies; qualifications; quorum.

(a) The West Virginia Contractor Licensing Board is continued. The board shall consist of 10 members appointed by the Governor by and with the advice and consent of the Senate for terms of four years. The members shall serve until their successors are appointed and have qualified. Eight of the appointed members shall be owners of businesses engaged in the various contracting industries, with at least one member appointed from each of the following contractor classes: One electrical contractor; one general building contractor; one general engineering contractor; one heating, ventilating and cooling contractor; one multifamily contractor; one piping contractor; one plumbing contractor; and one residential contractor, as defined in §30-42-3 of this code. Two of the appointed members shall be building code officials who are not members of any contracting industry. At least three members

of the board shall reside, at the time of their appointment, in each congressional district as existing on January 1, 2018. The Secretary of the Department of Tax and Revenue or his or her designee, and the Commissioner of WorkForce West Virginia or his or her designee shall be ex-officio nonvoting members of the board.

(b) Terms of the members first appointed shall be two members for one year, two members for two years, three members for three years, and three members for four years, as designated by the Governor at the time of appointment. Thereafter, terms shall be for four years. A member who has served all or part of two consecutive terms shall not be subject to reappointment unless four years have elapsed since the member last served. Vacancies shall be filled by appointment by the Governor for the unexpired term of any member whose office is vacant and shall be made within 60 days of the occurrence of the vacancy. A vacancy on the board shall not impair the right of the remaining members to exercise all the powers of the board.

(c) The board shall elect a chair from one of the voting members of the board. The board shall meet at least once annually and at such other times as called by the chair or a majority of the board. Board members shall receive compensation not to exceed the amount paid to members of the Legislature for the interim duties as recommended by the Citizens Legislative Compensation Commission and authorized by law for each day or portion of a day spent attending meetings of the board and shall be reimbursed for all reasonable and necessary expenses incurred incident to his or her duties as a member of the board. A majority of the members appointed shall constitute a quorum of the board.

§30-42-5. Administrative duties and powers of the board; rules.

(a) The board shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.*, of this code relating to the following:

(1) The minimum qualifications for applicants for examination and license in each of the following specified classes of contractor:

(A) Electrical contractor;

(B) General building contractor;

(C) General engineering contractor;

(D) Heating, ventilating, and cooling contractor;

(E) Multifamily contractor;

(F) Piping contractor;

(G) Plumbing contractor;

(H) Residential contractor; or

(1) Specialty contractor;

(2) The content of examinations for applicants in each class;

(3) Procedures for application, examination, and license renewal, and the manner in which the examination will be conducted;

(4) The continued competency of licensees for purposes of renewal and reinstatement of licenses; and

(5) Procedures for disciplinary action before the board.

(b) The board shall:

(1) Hold at least one examination in each calendar quarter for each specific classification of contractor, designate the time and place of the examinations, and notify applicants thereof;

(2) Investigate alleged violations of this article and legislative rules, orders, and final decisions of the board;

(3) Notify the board members of meeting dates and agenda items at least five days prior to the meetings; and

(4) Take minutes and records of all meetings and proceedings.

(c) The board has all the powers and duties set forth in this article, including:

(1) Maintaining an office and hire, discharge, establish the job requirements and fix the compensation of employees, and contract persons necessary to enforce the provisions of this article;

(2) To sue and be sued in its official name as an agency of this state; and

(3) Conferring with the Attorney General or assistants of the Attorney General in connection with legal matters and questions.

(d) The board shall perform the following administrative duties:

(1) Collect and record all fees;

(2) Maintain records and files;

(3) Issue and receive application forms;

(4) Notify applicants of the results of the board examination;

(5) Arrange space for holding examinations and other proceedings;

(6) Issue licenses and temporary licenses as authorized by this article;

(7) Issue duplicate licenses upon submission of a written request by the licensee attesting to loss of or the failure to receive the original and payment by the licensee of a fee established by regulation adopted by the division;

(8) Notify licensees of renewal dates at least 30 days before the expiration date of their license;

(9) Answer routine inquiries;

(10) Maintain files relating to individual licensees;

(11) Arrange for printing and advertising;

(12) Purchase supplies;

(13) Employ additional help when needed;

(14) Contract with the Division of Labor for, and the Division of Labor shall provide, inspection, enforcement, and investigative services for 24 months after the effective date of this article. After 24 months, the board shall be responsible for providing inspection, enforcement, and investigative services; and

(15) Issue cease and desist orders to persons engaging in contracting within the state without a valid license.

(e) Following successful completion of the examination, and prior to the issuance of the license, the applicant shall certify by affidavit that the applicant:

(1) Is in compliance with the business franchise tax provisions of chapter 11 of this code;

(2) Has registered, and is in compliance, with the workers' compensation fund and the employment security fund, as required by §23-1-1 *et seq.*, and §21A-1-1 *et seq.*, of this code; and

(3) Is in compliance with the applicable wage bond requirements of §21-5-14 of this code: *Provided*, That in the case of an out-of-state contractor not doing business in this state and seeking licensure for bidding purposes only, the applicant may be granted a conditional license for bid purposes only.

§30-42-6. Necessity for license; exemptions.

(a) No person may engage in this state in any activity as a contractor or submit a bid to perform work as a contractor, as

defined in this article, unless that person holds a license issued under the provisions of this article. No firm, partnership, corporation, association, or other entity may engage in contracting in this state unless an officer thereof holds a license issued pursuant to this article.

(b) Any person to whom a license has been issued under this article shall keep the license or a copy thereof posted in a conspicuous position at every construction site where work is being done by the contractor. The contractor's license number shall be included in all contracting advertisements and all fully executed and binding contracts. Any person violating the provisions of this subsection is subject, after hearing, to a warning, a reprimand, or a fine of not more than \$200.

(c) Except as otherwise provided in this code, the following are exempt from licensure:

(1) Work done exclusively by employees of the United States Government, the State of West Virginia, a county, municipality or municipal corporation, and any governmental subdivision or agency thereof;

(2) The sale or installation of a finished product, material or article, or merchandise which is not actually fabricated into and does not become a permanent fixed part of the structure;

(3) Work performed personally by an owner or lessee of real property on property the primary use of which is for agricultural or farming enterprise;

(4) A material supplier who renders advice concerning use of products sold and who does not provide construction or installation services;

(5) Work performed by a public utility company regulated by the West Virginia Public Service Commission and its employees;

(6) Repair work contracted by the owner of the equipment on an emergency basis in order to maintain or restore the operation of the equipment;

(7) Work performed by an employer's regular employees, for which the employees are paid regular wages and not a contract price, on property owned or leased by the employer which is not intended for speculative sale or lease;

(8) Work personally performed on a structure by the owner or occupant thereof; and

(9) Work performed when the specifications for the work have been developed or approved by engineering personnel employed by the owner of a facility by registered professional engineers licensed pursuant to the laws of this state when the work to be performed because of its specialized nature or process cannot be reasonably or timely contracted for within the general area of the facility.

§30-42-7. Application for and issuance of license.

(a) A person desiring to be licensed as a contractor under this article shall submit to the board a written application requesting licensure, providing the applicant's social security number and such other information as the board may require on forms supplied by the board. The applicant shall pay a license fee not to exceed \$150: *Provided*, That electrical contractors already licensed under §29-3B-4 of this code shall pay no more than \$20.

(b) No license may be issued without examination pursuant to this subsection: *Provided*, That any person issued a contractor's license by the board pursuant to this subsection may apply to the board for transfer of the license to a new business entity in which the license holder is the principal owner, partner, or corporate officer: *Provided, however*, That a license holder may hold a license on behalf of only one business entity during a given time period. The board may transfer the license issued pursuant to this

subsection to the new business entity without requiring examination of the license holder.

§30-42-8. Licenses; expiration date; fees; renewal.

(a) A license issued under the provisions of this article expires one year from the date on which it is issued. The board shall establish application and annual license fees not to exceed \$150.

(b) The board may propose rules for legislative approval in accordance with §29A-3-1 et seq., of this code to establish license and renewal fees.

§30-42-9. Unlawful use, assignment, transfer of license; revocation.

No license may be used for any purpose by any person other than the person to whom the license is issued. No license may be assigned, transferred, or otherwise disposed of so as to permit the unauthorized use thereof. No license issued pursuant to the provisions of §30-42-7(b) of this code may be assigned, transferred, or otherwise disposed of except as provided in said subsection. Any person who violates this section is subject to the penalties imposed in §30-42-14 of this code.

§30-42-10. Prerequisites to obtaining building permit; mandatory written contracts.

(a) Any person making application to the building inspector or other authority of any incorporated municipality or other political subdivision in this state charged with the duty of issuing building or other permits for the construction of any building, highway, sewer, or structure, or for any removal of materials or earth, grading or improvement shall, before issuance of the permit, either furnish satisfactory proof to the inspector or authority that the person is duly licensed under the provisions of this article to carry out or superintend the construction, or file a written affidavit that the person is not subject to licensure as a contractor or subcontractor as defined in this article. The inspector or authority

may not issue a building permit to any person who does not possess a valid contractor's license when required by this article.

(b) No person licensed under the provisions of this article may perform contracting work of an aggregate value of \$10,000 or more, including materials and labor, without a written contract, setting forth a description and cost of the work to be performed, signed by the licensee and the person for whom the work is to be performed.

(c) The board shall file a procedural rule setting forth a standard contract form which meets the minimum requirements of this subsection for use by licensees. The board shall post the contract form on its website and shall assist licensees in the correct completion of the form. The board shall mail a written notice of the requirements imposed by the rule to each licensed contractor at the address provided to the board by the contractor on his or her last application for licensure or renewal.

§30-42-11. Informational list for basic universal design features.

(a) Ninety days after the Contractor Licensing Board certifies and makes available to the general public the standard form informational list of basic universal design features pursuant to this section, a licensed contractor of any proposed residential housing in the state shall provide to the buyer an informational list of basic universal design features that would make the home entrance, interior routes of travel, the kitchen, and the bathroom or bathrooms universally accessible. Basic universal design features are to include, but not be limited to, the following:

(1) At least one nonstep entrance into the dwelling;

(2) All doors on the entry-level floor, including bathrooms, have a minimum of 36 inches;

(3) At least one accessible bathroom on the entry-level floor with ample maneuvering space;

(4) Kitchen, general living space, and one room capable of conversion into a bedroom, all with ample maneuvering space, on the entry-level floor; and

(5) Any other external or internal feature requested at a reasonable time by the buyer and agreed to by the seller.

(b) If a buyer is interested in a specific informational feature on the list established by subsection (a) of this section, the seller or builder upon request of the buyer shall indicate whether the feature is standard, limited, optional, or not available and, if available, shall further indicate the cost of such a feature to the buyer.

(c) The standard form informational list of basic universal design features shall be certified and made available for reproduction by the board, in accordance with the provisions of subsection (a) of this section, based on mutual recommendation of the board, the American Institute of Architects-West Virginia, the Home Builders Association of West Virginia, and the West Virginia Center for Excellence in Disabilities.

§30-42-12. Notice included with invitations to bid and specifications.

Any architect or engineer preparing any plan and specification for contracting work to be performed in this state shall include in the plan, specification, and invitation to bid a reference to this article informing any prospective bidder that the person's contractor's license number must be included on any bid submission. A subcontractor shall furnish that person's contractor's license number to the contractor prior to the award of the contract.

§30-42-13. License renewal, lapse, and reinstatement.

(a) A license which is not renewed on or before the renewal date shall lapse. The board may establish by rule on a delayed renewal fee to be paid for issuance of any license which has lapsed: *Provided*, That no license which has lapsed for a period of 90 days or more may be renewed: *Provided, however*, That if a licensee is

in a dispute with a state agency, and it is determined that the licensee is not at fault, the board shall renew the license.

(b) If continuing education or other requirements are made a condition of license reinstatement after lapse, suspension, or revocation, these requirements must be satisfied before the license is reissued.

§30-42-14. Violation of article; injunction; criminal penalties.

(a)(1) Upon a determination that a person is engaged in contracting business in the state without a valid license, the board shall issue a cease and desist order requiring the person to immediately cease all operations in the state. The order shall be withdrawn upon issuance of a license to that person.

(2) After affording an opportunity for a hearing, the board may impose a penalty of not less than \$200 nor more than \$1,000 upon any person engaging in contracting business in the state without a valid license. The board may accept payment of the penalty in lieu of a hearing.

(3) Within 30 days after receipt of the final order issued pursuant to this section, any party adversely affected by the order may appeal the order to the circuit court of Kanawha County, West Virginia, or to the circuit court of the county in which the petitioner resides or does business.

(b) Any person continuing to engage in contracting business in the state without a valid license after service of a cease and desist order is guilty of a misdemeanor and, upon conviction, is subject to the following penalties:

(1) For a first offense, a fine of not less than \$200 nor more than \$1,000;

(2) For a second offense, a fine of not less than \$500 nor more than \$5,000, or confinement in jail for not more than six months, or both fined and confined;

(3) For a third or subsequent offense, a fine of not less than \$1,000 nor more than \$5,000, and confinement in jail for not less than 30 days nor more than one year.

(c) The board may institute proceedings in the circuit court of the county in which the alleged violations of the provisions of this article occurred or are now occurring to enjoin any violation of any provision of this article.

(d) Any person who undertakes any construction work without a valid license when a license is required by this article, when the total cost of the contractor's construction contract on any project upon which the work is undertaken is \$25,000 or more, shall, in addition to any other penalty herein provided, be assessed by the board an administrative penalty not to exceed \$200 per day for each day the person is in violation.

§30-42-15. Disciplinary powers of the board.

(a) The board may impose the following disciplinary actions:

(1) Permanently revoke a license;

(2) Suspend a license for a specified period;

(3) Censure or reprimand a licensee;

(4) Impose limitations or conditions on the professional practice of a licensee;

(5) Impose requirements for remedial professional education to correct deficiencies in the education, training, and skill of a licensee;

(6) Impose a probationary period requiring a licensee to report regularly to the board on matters related to the grounds for probation; the board may withdraw probationary status if the deficiencies that require the sanction are remedied;

(7) Order a contractor who has been found, after hearing, to have violated any provision of this article or the rules of the board to provide, as a condition of licensure, assurance of financial responsibility. The form of financial assurance may include, but is not limited to, a surety bond, a cash bond, a certificate of deposit, an irrevocable letter of credit, or performance insurance: *Provided*, That the amount of financial assurance required under this subdivision may not exceed the total of the aggregate amount of the judgments or liens levied against the contractor or the aggregate value of any corrective work ordered by the board or both: *Provided, however*, That the board may remove this requirement for licensees against whom no complaints have been filed for a period of five continuous years; and

(8) A fine not to exceed \$1,000.

(b) No license issued under the provisions of this article may be suspended or revoked without a prior hearing before the board: *Provided*, That the board may summarily suspend a licensee pending a hearing or pending an appeal after hearing upon a determination that the licensee poses a clear, significant, and immediate danger to the public health and safety.

(c) The board may reinstate the suspended or revoked license of a person if, upon a hearing, the board finds and determines that the person is able to practice with skill and safety.

(d) The board may accept the voluntary surrender of a license: *Provided*, That the license may not be reissued unless the board determines that the licensee is competent to resume practice and the licensee pays the appropriate renewal fee.

(e) A person or contractor adversely affected by disciplinary action may appeal to the board within 60 days of the date the disciplinary action is taken. The board shall hear the appeal within 30 days from receipt of notice of appeal in accordance with the provisions of chapter 29A of this code. Hearings shall be held in Charleston. The board may retain a hearing examiner to conduct

the hearings and present proposed findings of fact and conclusions of law to the board for its action.

(f) Any party adversely affected by any action of the board may appeal that action in either the circuit court of Kanawha County, West Virginia, or in the circuit court of the county in which the petitioner resides or does business, within 30 days after the date upon which the petitioner received notice of the final order or decision of the board.

(g) The following are causes for disciplinary action:

(1) Abandonment, without legal excuse, of any construction project or operation engaged in or undertaken by the licensee;

(2) Willful failure or refusal to complete a construction project or operation with reasonable diligence, thereby causing material injury to another;

(3) Willful departure from or disregard of plans or specifications in any material respect without the consent of the parties to the contract;

(4) Willful or deliberate violation of the building laws or regulations of the state or of any political subdivision thereof;

(5) Willful or deliberate failure to pay any moneys when due for any materials free from defect, or services rendered in connection with the person's operations as a contractor when the person has the capacity to pay or when the person has received sufficient funds under the contract as payment for the particular construction work for which the services or materials were rendered or purchased, or the fraudulent denial of any amount with intent to injure, delay, or defraud the person to whom the debt is owed;

(6) Willful or deliberate misrepresentation of a material fact by an applicant or licensee in obtaining a license or in connection with official licensing matters;

(7) Willful or deliberate failure to comply in any material respect with the provisions of this article or the rules of the board;

(8) Willfully or deliberately acting in the capacity of a contractor when not licensed or as a contractor by a person other than the person to whom the license is issued except as an employee of the licensee;

(9) Willfully or deliberately acting with the intent to evade the provisions of this article by: (i) Aiding or abetting an unlicensed person to evade the provisions of this article; (ii) combining or conspiring with an unlicensed person to perform an unauthorized act; (iii) allowing a license to be used by an unlicensed person; or (iv) attempting to assign, transfer, or otherwise dispose of a license or permitting the unauthorized use thereof;

(10) Engaging in any willful, fraudulent, or deceitful act in the capacity as a contractor whereby substantial injury is sustained by another;

(11) Performing work which is not commensurate with a general standard of the specific classification of contractor or which is below a building or construction code adopted by the municipality or county in which the work is performed;

(12) Knowingly employing a person or persons who do not have the legal right to be employed in the United States;

(13) Failing to execute written contracts prior to performing contracting work in accordance with §30-42-10 of this code;

(14) Failing to abide by an order of the board; or

(15) Failing to satisfy a judgment or execution ordered by a magistrate court, circuit court, or arbitration board.

(h) In all disciplinary hearings the board has the burden of proof as to all matters in contention. No disciplinary action may be taken by the board except on the affirmative vote of at least six

members thereof. Other than as specifically set out herein, the board has no power or authority to impose or assess damages.

§30-42-16. Rules.

The board may propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code that are necessary to carry out the provisions of this article. The board may disseminate educational or any other material designed to improve performance standards of any contractor group to contractors within the state. The board may adopt, and use, a seal with the words “State Contractor Licensing Board of West Virginia”. Any rule previously authorized under the provisions of §21-11-1 *et seq.* of this code shall remain in effect until amended, replaced, or repealed by the Legislature.

§30-42-17. Record keeping.

(a) The board shall keep a record of all actions taken and account for moneys received. All moneys shall be deposited in a special account in the State Treasury to be known as the “West Virginia Contractor Licensing Board Fund”. Expenditures from this fund shall be for the purposes set forth in this article and are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of §12-3-1 *et seq.* of this code and upon the fulfillment of the provisions set forth in §5A-2-1 *et seq.* of this code. Amounts collected which are found from time to time to exceed the funds needed for purposes set forth in this article may be transferred to other accounts or funds and redesignated for other purposes by appropriation of the Legislature.

(b) The board shall maintain at the principal office, open for public inspection during office hours, a complete indexed record of all applications, licenses issued, licenses renewed, and all revocations, cancellations, and suspensions of licenses. Applications shall show the date of application, name, qualifications, place of business, and place of residence of each applicant; and whether the application was approved or refused.

(c)(1) All investigations, complaints, reports, records, proceedings, and other information received by the board and related to complaints made to the board or investigations conducted by the board pursuant to this article, including the identity of the complainant or respondent, are confidential and may not be knowingly and improperly disclosed by any member or former member of the board or staff, except as follows:

(A) Upon a finding that probable cause exists to believe that a respondent has violated the provisions of this article, the complaint and all reports, records, nonprivileged, and nondeliberative materials introduced at any probable cause hearing held pursuant to the complaint are thereafter not confidential: *Provided*, That confidentiality of the information shall remain in full force and effect until the respondent has been served with a copy of the statement of charges.

(B) Any subsequent hearing held in the matter for the purpose of receiving evidence or the arguments of the parties or their representatives shall be open to the public and all reports, records, and nondeliberative materials introduced into evidence at the subsequent hearing, as well as the board's orders, are not confidential.

(C) The board may release any information relating to an investigation at any time if the release has been agreed to in writing by the respondent.

(D) The complaint, as well as the identity of the complainant, shall be disclosed to a person named as respondent in any complaint filed immediately upon the respondent's request.

(E) Where the board is otherwise required by the provisions of this article to disclose the information or to proceed in such a manner that disclosure is necessary and required to fulfill these requirements.

(2) If, in a specific case, the board finds that there is a reasonable likelihood that the dissemination of information or

opinion in connection with a pending or imminent proceeding will interfere with a fair hearing or otherwise prejudice the due administration of justice, the board shall order that all or a portion of the information communicated to the board to cause an investigation and all allegations of violations or misconduct contained in a complaint are confidential, and the person providing this information or filing a complaint shall be bound to confidentiality until further order of the board.

(d) If any person violates the provisions of subsection (c) of this section by knowingly and willfully disclosing any information made confidential by this section or by the board, that person is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$5,000, or confined in jail not more than one month, or both fined and confined.

§30-42-18. Reciprocity.

To the extent that other states which provide for the licensing of contractors provide for similar action, the board may grant licenses of the same or equivalent classification to contractors licensed by other states, without written examination upon satisfactory proof furnished to the board that the qualifications of the applicants are equal to the qualifications of holders of similar licenses in this state, and upon certification to the board as required by §30-42-15(c) of this code, and upon payment of the required fee.

§30-42-19. Board authorized to provide training.

(a) The board may enter into work-sharing agreements with state vocational and technical training schools to provide classroom training to students who desire to obtain a West Virginia contractor license. The purpose of the training is limited to instruction applicable to the contractor license examinations required by the board. The terms of the work-sharing agreements shall be determined by the West Virginia Contractor Licensing Board and county boards of education.

(b) For the purposes of this section, the board may expend funds from its special revenue account, known as the West Virginia Contractor Licensing Board Fund, to support this activity.

§30-42-20. Nonapplicability of local ordinances; exclusive license.

After the effective date of this article no municipality, local government, or county may require any license or other evidence of competence as a contractor from any person, firm, or corporation who or which holds a valid and current license issued pursuant to this article, as a condition precedent to permission for the performance of contractor work in such municipality, local government jurisdiction, or county.

On motion of Senator Maynard, the following amendment to the Government Organization committee amendment to the bill (Eng. Com. Sub. for H. B. 2006) was reported by the Clerk and adopted:

On page forty-four, section twenty, line two, after the words “require any” by inserting the words “additional occupational”.

On motion of Senator Jeffries, the following amendments to the Government Organization committee amendment to the bill (Eng. Com. Sub. for H. B. 2006) were next reported by the Clerk and considered simultaneously:

On page twenty-six, section three, line thirty-three, by striking out the words “or painting”;

And,

On page twenty-seven, section three, after line thirty-four, by inserting a new subdivision, designated subdivision (7), to read as follows:

(7) A person who performs painting services for residential customers.

Following discussion,

The question being on the adoption of Senator Jeffries amendments to the Government Organization committee amendment to the bill, the same was put and did not prevail.

The question now being on the adoption of the Government Organization committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 2006), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2009, Relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 5. FISCAL AFFAIRS.

§7-5-25. Prohibition against certain deductions and assignments of earnings from compensation of county officers or employees.

No deductions or assignments of earnings shall be allowed for union, labor organization, or club dues or fees from the compensation of county officers and employees.

CHAPTER 8. MUNICIPAL CORPORATIONS.**ARTICLE 5. ELECTION, APPOINTMENT, QUALIFICATION AND COMPENSATION OF OFFICERS; GENERAL PROVISIONS RELATING TO OFFICERS AND EMPLOYEES; ELECTIONS AND PETITIONS GENERALLY; CONFLICT OF INTEREST.****§8-5-12. Compensation of officers and employees.**

(a) Notwithstanding any charter provision to the contrary, the governing body of every municipality shall by ordinance fix or cause to be fixed the salary or compensation of every municipal officer and employee: *Provided*, That the salary of any officer shall not be increased or diminished during his or her term.

(b) The governing body of every municipality shall have plenary power and authority to provide by ordinance for the allowance of time off of officers and employees with pay for vacations and illness and for personnel management incentives, as additional consideration for their services and employment.

(c) No deductions or assignments of earnings shall be allowed for union, labor organization, or club dues or fees from the compensation of officers or employees covered by this section.

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.**ARTICLE 3. APPROPRIATIONS, EXPENDITURES, AND DEDUCTIONS.****§12-3-13b. Voluntary deductions by State Auditor from salaries of employees ~~to pay association dues or fees and to pay supplemental health and life insurance premiums;~~ voluntary other deductions.**

(a) Any officer or employee of the State of West Virginia may authorize that a voluntary deduction from his or her net wages be made ~~for the payment of membership dues or fees to an employee association. Voluntary deductions may also be authorized by an~~

~~officer or employee~~ for any supplemental health and life insurance premium, subject to prior approval by the Auditor. Such deductions shall be authorized on a form provided by the Auditor of the State of West Virginia and shall state:

~~(a)~~ (1) The identity of the employee;

~~(b) the~~ (2) The amount and frequency of such deductions; and

~~(c) the~~ (3) The identity and address of the ~~association or~~ insurance company to which such dues shall be paid.

(b) Upon execution of such authorization and its receipt by the office of the Auditor, such deductions shall be made in the manner specified on the form and remitted to the designated ~~association or~~ insurance company on the tenth day of each month: *Provided*, That the Auditor may approve and authorize voluntary other deductions, as approved and authorized by the Auditor, may defined under §21-5-1 of this code, to be made in accordance with rules proposed by the Auditor pursuant to §29A-3-1 *et seq.* of this code: *Provided, however*, That deductions shall be made at least twice monthly. Deduction authorizations may be revoked at any time 30 days prior to the date on which the deduction is regularly made and on a form to be provided by the office of the State Auditor: ~~*Provided further*, That nothing in this section shall interfere with or remove any existing arrangement for dues deduction between an employer or any political subdivision of the state and its employees.~~

(c) No deductions or assignments of earnings shall be allowed for union, labor organization, or club dues or fees from the compensation of officers and employees covered by this section.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-9. Payment of teachers and other employees; withholdings.

Teachers and all other employees whose salaries or wages are payable out of the school current fund shall be paid for their

services by orders duly signed by the president and secretary of the board in accordance with the following provisions:

(1) Notwithstanding any other provisions of this chapter and §18-1-1 *et seq.* of this code, the number of pays to be made during the school year to the various classes of employees shall be determined by the board: *Provided*, That the sum of such pays for any employee does not exceed the equivalent of an annual salary based upon 12 calendar months.

(2) In the event a teacher or other employee is not paid the full salary or wage earned in the fiscal year in which the work is performed, the unpaid amount may be paid during July and August of the following fiscal year.

(3) Adjustments for time loss due to absence may be made in the next paycheck following such time loss.

(4) The county board may withhold the pay of any teacher or employee until he or she has made the reports required by the board or the state superintendent.

(5) Accompanying the pay of each employee shall be an accounting of gross earnings, all withholdings, and the dollar value of all benefits provided by the state on behalf of the employee.

(6) No deductions or assignments of earnings shall be allowed for union, labor organization, or club dues or fees from the compensation of teachers and other employees covered by this section.

CHAPTER 21. LABOR

ARTICLE 5. WAGE PAYMENT AND COLLECTION.

§21-5-1. Definitions.

As used in this article:

(a) The term “firm” includes any partnership, association, joint-stock company, trust, division of a corporation, the

administrator or executor of the estate of a deceased individual, or the receiver, trustee, or successor of any of the same, or officer thereof, employing any person.

(b) The term “employee” or “employees” includes any person suffered or permitted to work by a person, firm, or corporation.

(c) The term “wages” means compensation for labor or services rendered by an employee, whether the amount is determined on a time, task, piece, commission, or other basis of calculation. As used in §21-5-4, §21-5-5, §21-5-8a, §21-5-10, and §21-5-12 of this code, the term “wages” shall also include then accrued fringe benefits capable of calculation and payable directly to an employee: *Provided*, That nothing herein contained shall require fringe benefits to be calculated contrary to any agreement between an employer and his or her employees which does not contradict the provisions of this article.

(d) The term “commissioner” means Commissioner of Labor or his or her designated representative.

(e) The term “railroad company” includes any firm or corporation engaged primarily in the business of transportation by rail.

(f) The term “special agreement” means an arrangement filed with and approved by the commissioner whereby a person, firm, or corporation is permitted upon a compelling showing of good cause to establish regular paydays less frequently than once in every two weeks: *Provided*, That in no event shall the employee be paid in full less frequently than once each calendar month on a regularly established schedule.

(g) The term “deductions” includes amounts required by law to be withheld, and amounts authorized for union, labor organization, or club dues or fees, pension plans, payroll savings plans, credit unions, charities, and ~~hospitalization and medical~~ any form of insurance offered by an employer: *Provided*, That for a public

employee, the term “deductions” shall not include any amount for union, labor organization, or club dues or fees.

(h) The term “officer” shall include officers or agents in the management of a corporation or firm who knowingly permit the corporation or firm to violate the provisions of this article.

(i) The term “wages due” shall include at least all wages earned up to and including the twelfth day immediately preceding the regular payday.

(j) The term “construction” means the furnishing of work in the fulfillment of a contract for the construction, alteration, decoration, painting, or improvement of a new or existing building, structure, roadway, or pipeline, or any part thereof, or for the alteration, improvement, or development of real property: *Provided*, That construction performed for the owner or lessee of a single family dwelling or a family farming enterprise is excluded.

(k) The term “minerals” means clay, coal, flagstone, gravel, limestone, manganese, sand, sandstone, shale, iron ore, and any other metallurgical ore.

(l) The term “fringe benefits” means any benefit provided an employee or group of employees by an employer, or which is required by law, and includes regular vacation, graduated vacation, floating vacation, holidays, sick leave, personal leave, production incentive bonuses, sickness and accident benefits, and benefits relating to medical and pension coverage.

(m) The term “employer” means any person, firm, or corporation employing any employee.

(n) The term “doing business in this state” means having employees actively engaged in the intended principal activity of the person, firm, or corporation in West Virginia.

(o) The term “assignment”, as used in §21-5-3 of this code, shall have the same meaning as the term “assignment of earnings” set forth in §46A-2-116(2)(b) of this code.

§21-5-3. Payment of wages by employers other than railroads; assignments of wages.

(a) Every person, firm, or corporation doing business in this state, except railroad companies as provided in §21-5-1 of this code, shall settle with its employees at least twice every month and with no more than 19 days between settlements, unless otherwise provided by special agreement, and pay them the wages due, less authorized deductions and authorized wage assignments, for their work or services.

(b) Payment required in subsection (a) of this section shall be made:

(1) In lawful money of the United States;

(2) By cash order as described and required in §21-5-4 of this code;

(3) By deposit or electronic transfer of immediately available funds into an employee's payroll card account in a federally insured depository institution. The term "payroll card account" means an account in a federally insured depository institution that is directly or indirectly established through an employer and to which electronic fund transfers of the employee's wages, salary, commissions, or other compensation are made on a recurring basis, whether the account is operated or managed by the employer, a third person payroll processor, a depository institution, or another person. "Payroll card" means a card, code, or combination thereof or other means of access to an employee's payroll card account, by which the employee may initiate electronic fund transfers or use a payroll card to make purchases or payments. Payment of employee compensation by means of a payroll card must be agreed upon in writing by both the person, firm, or corporation paying the compensation and the person being compensated; or

(4) By any method of depositing immediately available funds in an employee's demand or time account in a bank, credit union, or savings and loan institution that may be agreed upon in writing

between the employee and such person, firm, or corporation, which agreement shall specifically identify the employee, the financial institution, the type of account, and the account number: *Provided*, That nothing herein contained shall be construed in a manner to require any person, firm, or corporation to pay employees by depositing funds in a financial institution.

(c) If, at any time of payment, any employee is absent from his or her regular place of labor and does not receive his or her wages through a duly authorized representative, he or she is entitled to payment at any time thereafter upon demand upon the proper paymaster at the place where his or her wages are usually paid and where the next pay is due.

(d) Nothing herein contained may affect the right of an employee to assign part of his or her claim against his or her employer except as in subsection (e) of this section.

(e) No assignment of or order for future wages may be valid for a period exceeding one year from the date of the assignment or order. An assignment or order shall be ~~acknowledged by the party making the same before a notary public or other officer authorized to take acknowledgments, and any order or assignment~~ in writing and shall specify thereon the total amount due and collectible by virtue of the same and, unless otherwise provided for in subsection (f) of this section, three-fourths of the periodical earnings or wages of the assignor are all times exempt from such assignment or order and no assignment or order is valid which does not so state upon its face: *Provided*, That no such order or assignment is valid unless the written acceptance of the employer of the assignor to the making thereof is endorsed thereon: *Provided, however*, That nothing herein contained may be construed as affecting the right of a private employer and its employees to agree between themselves as to deductions to be made from the payroll of employees.

(f) If an employee of the state has been overpaid wages, including incremental salary increases pursuant to §5-5-2 of this code, an employee may voluntarily authorize a written assignment or order for future wages to the state to repay the overpayment in

an amount not to exceed three-fourths of his or her periodical earnings or wages.

(g) Nothing in this chapter shall be construed to interfere with the right of an employee to join, become a member of, contribute to, donate to, or pay dues or fees to a union, labor organization, or club.

CHAPTER 46A. WEST VIRGINIA CONSUMER CREDIT AND PROTECTION ACT.

ARTICLE 2. CONSUMER CREDIT PROTECTION.

§46A-2-116. Assignment of earnings.

(1) The maximum part of the aggregate disposable earnings of an individual for any workweek which may be subjected to any one or more assignments of earnings for the payment of a debt or debts arising from one or more consumer credit sales, consumer leases, or consumer loans, or one or more sales as defined in §46A-6-102 of this code, may not exceed 25 percent of his or her disposable earnings for that week.

(2) As used in this section:

(a) “Disposable earnings” means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld; and

(b) “Assignment of earnings” includes all forms of assignments, deductions, transfers, or sales of earnings to another, either as payment or as security, and whether stated to be revocable or nonrevocable, and includes any deductions authorized under the provisions of §21-5-3 of this code, except deductions for union, labor organization, or club dues or fees, pension plans, payroll savings plans, charities, stock purchase plans, and hospitalization and medical any form of insurance offered by an employer.

(3) Any assignment of earnings and any deduction under ~~said~~ §21-5-3 of this code shall be revocable by the employee at will at any time, notwithstanding any provision to the contrary.

(4) The priority of multiple assignments of earnings shall be according to the date and time of each such assignment.

On motion of Senator Trump, the following amendments to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H. B. 2009) were next reported by the Clerk, considered simultaneously, and adopted:

On page two, section twelve, line eleven, after the word “section”, by changing the period to a colon and inserting the following proviso: *Provided*, That this subsection shall not apply to municipal employees covered by a collective bargaining agreement with a municipality which is in effect on July 1, 2021.;

On page four, section one, line six, after the word “corporation”, by changing the period to a comma and inserting the words “except those classified as an independent contractor pursuant to §21-5I-4 of this code.”;

And,

On page five, section one, line twenty-six, by striking out the proviso and inserting in lieu thereof a new proviso, to read as follows: *Provided*, That for a public employee, other than a municipal employee covered by a collective bargaining agreement with a municipality which is in effect on July 1, 2021, the term “deductions” shall not include any amount for union, labor organization, or club dues or fees.

On motion of Senator Romano, the following amendments to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H. B. 2009) were next reported by the Clerk and considered simultaneously:

On page one, section twenty-five, line two, after the word “fees” by inserting the words “for use as contributions to any candidate or political committee, or for any other political activities which tend to influence the voting at any election”;

On page two, section twelve, line ten, after the word “fees” by inserting the words “for use as contributions to any candidate or political committee, or for any other political activities which tend to influence the voting at any election”;

On page three, section thirteen-b, line twenty-three, after the word “fees” by inserting the words “for use as contributions to any candidate or political committee, or for any other political activities which tend to influence the voting at any election”;

And,

On page four, section nine, line eighteen, after the word “fees” by inserting the words “for use as contributions to any candidate or political committee, or for any other political activities which tend to influence the voting at any election”.

Following discussion,

The question being on the adoption of Senator Romano’s amendments to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H. B. 2009), and on this question, Senator Lindsay demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Caputo, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Stover, Unger, and Woelfel—14.

The nays were: Azinger, Boley, Clements, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—20.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Romano’s amendments to the Judiciary committee amendment to the bill rejected.

The question now being on the adoption of the Judiciary committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 2009), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

Com. Sub. for Senate Bill 28, Creating Open and Equal Opportunities in Student Activities Act.

Com. Sub. for Senate Bill 297, Relating generally to modernizing Board of Treasury Investments.

Senate Bill 391, Relating to study of child protective services and foster care workforce.

Com. Sub. for Senate Bill 431, Relating to school attendance notification requirements to DMV.

Com. Sub. for Senate Bill 502, Providing lifetime hunting, fishing, and trapping license to residents, adopted, and foster children under 15.

Eng. Com. Sub. for House Bill 2008, Amending requirements for licensure relating to elevator mechanics, crane operators, HVAC, electricians, and plumbers.

Eng. Com. Sub. for House Bill 2013, Relating to the Hope Scholarship Program.

And,

Eng. Com. Sub. for House Bill 2616, Amend the reporting to the Governor and the Legislature to have information continuously available on the Office of Health Facility Licensure and Certification's website.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Stollings, Lindsay, and Trump.

The Senate then proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on March 12, 2021:

Senate Bill 589: Senator Rucker;

Senate Bill 622: Senator Ihlenfeld;

Senate Bill 633: Senators Phillips and Smith;

Senate Bill 634: Senators Stollings, Lindsay, Beach, and Baldwin;

Senate Bill 635: Senator Lindsay;

Senate Bill 636: Senators Phillips, Smith, and Roberts;

Senate Bill 637: Senator Stollings;

Senate Bill 640: Senators Romano, Woelfel, and Stollings;

Senate Joint Resolution 11: Senator Martin;

And,

Senate Concurrent Resolution 25: Senators Stollings and Woelfel.

Pending announcement of meetings of standing committees of the Senate, including a majority party caucus,

On motion of Senator Takubo, at 11:58 a.m., the Senate adjourned until tomorrow, Tuesday, March 16, 2021, at 11 a.m.

TUESDAY, MARCH 16, 2021

The Senate met at 11 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Rollan A. Roberts, a senator from the ninth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Glenn D. Jeffries, a senator from the eighth district.

Pending the reading of the Journal of Monday, March 15, 2021,

At the request of Senator Trump, 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 concurrence by that body in the adoption of

Senate Concurrent Resolution 4, Recognizing June 19 as Juneteenth Day.

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 2688—A Bill to amend and reenact §3-8-2c of the Code of West Virginia, 1931, as amended, relating to allowing county executive committees to create building funds in the same manner as a party headquarters committee.

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 2705—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2797—A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

Referred to the Committee on Finance.

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 2834—A Bill to amend and reenact §29-1-3 of the Code of West Virginia, 1931, as amended, related to the Commission on the Arts; to add the Curator of the West Virginia Division of Arts, Culture and History as an ex officio voting member of the commission; other technical updates.

Referred to the Committee on Government Organization.

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 2877—A Bill to amend and reenact §30-3F-1, §30-3F-2, and §30-3F-3 of the Code of West Virginia, 1931, as amended, relating to expanding direct medical care arrangements.

Referred to the Committee on Health and Human Resources.

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 2891—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-29-14, relating to creating minimum standards for law-enforcement officers; providing for the disqualification for entry into the basic law-enforcement academy or from certification in certain instances; providing for the direct supervision of officers who are not certified; providing for the maintenance and the transfer of certain records; and setting a limitation on the disclosure of certain records.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 2969—A Bill to amend and reenact §17-16A-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §17-16D-6 and § 17-16D-10 of said code; to amend and reenact §17-17-10, §17-17-11, §17-17-12, §17-17-21, §17-17-22 and §17-17-37; to amend said code by adding thereto a new section, designated §17-17-38; to amend and reenact §17A-2A-9; and to amend and reenact §24-2-1 of said code, all relating to privately owned toll bridges; providing for the sale of a municipally owned toll bridge to a private toll transportation facility under certain circumstances; defining the term “private toll transportation facility”; authorizing the retention and collection of tolls on a privately owned toll bridge; clarifying procedures for the electronic

collection of tolls by a private toll transportation facility; clarifying the tax treatment of toll bridges sold by a municipality to a private toll transportation facility; providing for the imposition of liability and nonrenewal of vehicle registration for failure to pay tolls on a privately owned toll bridge; clarifying the application of provisions of code to state owned and privately owned toll bridges; authorizing the West Virginia Parkways Authority and Division of Motor Vehicles to enter into agreements with a private toll transportation facility for purposes of toll collection enforcement; and clarifying the jurisdiction of the Public Service Commission over toll bridges.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2972—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-6-2a, relating to allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution 9—Applying to and urging Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States to limit the terms of office that a person may be elected as a member of the United States House of Representatives, and to set a limit on the number of terms that a person may be elected as a member of the United States Senate.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution 35—Requesting the Department of Health and Human Resources to continuously evaluate the child welfare system.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 15th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 126), Authorizing Department of Administration to promulgate legislative rules.

(Com. Sub. for S. B. 216), Authorizing Department of Commerce to promulgate legislative rules.

(Com. Sub. for S. B. 272), Relating to WV Employment Law Worker Classification Act.

(Com. Sub. for S. B. 277), Creating COVID-19 Jobs Protection Act.

(S. B. 296), Relating generally to repealing certain rules.

(S. B. 338), Creating Fire Service Equipment and Training Fund.

(S. B. 372), Providing greater discretion to WV Board of Medicine to approve graduate clinical training.

And,

(Com. Sub. for H. B. 2001), Relating generally to creating the West Virginia Jumpstart Savings Program.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Dean Jeffries,
Chair, House Committee.

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 422, Establishing common law “veil piercing” claims not be used to impose personal liability.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 422 (originating in the Committee on the Judiciary)—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 that common law corporate “veil piercing” claims may not be used to impose personal liability on a member or manager of a limited liability company; and nullifying the Supreme Court of Appeals of West Virginia’s decision in *Joseph Kubican v. The Tavern, LLC*. 232 W.Va. 268, 752 S.E.2d 299 (2013).

And,

Senate Bill 626, Updating regulation for purchase of automobile catalytic converters.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 626 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-3-49 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-3-49c, all relating to the purchase and possession of certain scrap metal; updating the regulation of the purchase of automobile catalytic converters; requiring certain evidence and documentation from a seller of an automobile catalytic converter; placing restrictions on the payment for automobile catalytic converters; placing restrictions on the sale or transfer of an automobile catalytic converter by a scrap metal dealer; requiring scrap metal dealer to record identifying information on a catalytic converter; creating the criminal offense of possession of a catalytic converter without proof of ownership or authority to possess; and establishing criminal penalties.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 531, Relating to incomplete, duplicative, or redundant claims for refund.

And,

Senate Bill 532, Limiting claims for state tax credits and rebates.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Eric J. Tarr,
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 Joint Resolution 11, Constitutional Officer Term Limit Amendment.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Joint Resolution 11 (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, amending section four, article VII thereof, relating to preventing any individual from serving in the office of Secretary of State, Auditor, Treasurer, Commissioner of Agriculture, or Attorney General for more than three consecutive terms; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

With the recommendation that the committee substitute be adopted; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The resolution (Com. Sub. for S. J. R. 11), under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill 2709, Providing that the aggregate liability of a surety on a consumer protection bond under the West Virginia Fintech Regulatory Sandbox Program does not exceed the principal sum of the bond.

And,

Eng. House Bill 2764, Allow the Division of Financial Institutions to enter into reciprocity agreements with other jurisdictions that operate similar programs to the West Virginia Fintech Sandbox Program.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the sixth order of business.

Senators Romano, Nelson, Lindsay, Martin, and Caputo offered the following resolution:

Senate Concurrent Resolution 27—Requesting the Division of Highways to name bridge number 20-079/00-019.22 (NB-SB) (20A514-20A515), locally known as I-79 CLENDENIN I/C NB, carrying I-79 over CR 53 in Kanawha County, the “Walker Brothers Veterans Memorial Bridge”.

Whereas, All five of the Walker men volunteered for military service during the Vietnam War with three experiencing injuries while on active duty; and

Whereas, Albert J.L. Walker served as a civil engineer with the U.S. Air Force at the Eielson Air Force Base in Alaska when the Great Alaskan Earthquake struck in 1964. He was active in rescue efforts and recovery of the dead following the strongest earthquake in North American history; and

Whereas, Allie Melton Walker served with the U.S. Air Force at the Kaden Air Force Base, Okinawa, Japan, as an aircraft mechanic. He deployed to Vietnam for three months at a time as the crew chief on the C130 aircraft delivering cargo and picking up the wounded and the dead. He earned a Good Conduct Medal (AFGCM w/1BR OLC), Special Ops, and marksmanship; and

Whereas, Ray Milton Walker served in the U.S. Army at the Dong Tam Base Camp where he was a part of the ground recon team for the 1st Aviation Brigade and was awarded the Combat Infantryman Badge (CIB), Bronze Star, National Defense Service Medal with two bronze stars, and Marksman Badge with Rifle Bar; and

Whereas, Ray Milton Walker is now suffering from cancer and long-term health issues from his exposure to Agent Orange; and

Whereas, Roger Bill Walker served in the U.S. Air Force at Udorn Airbase, Thailand, as a radar operator and air traffic controller assisting with the bombing of North Vietnam, earning the National Defense Service Medal, Vietnam Service Medal, Air Force Good Conduct, and Special Ops; and

Whereas, David Allen Walker joined the WV Army National Guard while he was still a senior in high school, serving as a Green Beret with the 19th S.F. Group Airborne as a combat engineer. He was injured during paratrooper trainer when his plane caught on fire and forced him to jump onto the tarmac wearing full combat gear, injuring both of his feet. He continued to serve in supply and transport. David Allen Walker also served the State of West Virginia as a WV Delegate from the 33rd District from 2009 to 2015; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Walker Brothers and their 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 20-079/00-019.22 (NB-SB) (20A514-20A515), locally known as I-79 CLENDENIN I/C NB, carrying I-79 over CR 53 in Kanawha County, the “Walker Brothers Veterans 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 “Walker Brothers Veterans 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.

Senator Maroney offered the following resolution:

Senate Resolution 20—Designating March 17, 2021, as Disability Advocacy Day at the Legislature.

Whereas, There are over 400,000 West Virginians with disabilities. These individuals with disabilities, like all others, have the right to live, work, and fully participate in their communities in order to realize their dreams; and

Whereas, People with disabilities have the right to an equal opportunity to live full, productive lives as valued citizens in the community or setting of their choice; and

Whereas, People with disabilities have the right to receive the support they need to exercise self-determination, achieve independence, and become productive employees in the workplace; and

Whereas, West Virginia's citizens with disabilities have banded together in a collective group, the Fair Shake Network, to help bring their concerns to the forefront of public awareness; and

Whereas, The Fair Shake Network has developed a statewide network concerned with all types of disabilities and all age groups, providing opportunities for people to learn from each other and take action together; and

Whereas, The Fair Shake Network has become a credible source of information for policymakers, advocates, and the public on policies and programs that impact people with disabilities; and

Whereas, Organizations such as the West Virginia Department of Rehabilitation Services, West Virginia Development Disabilities Council, West Virginia Parent Training and Information, Job Squad, Disability Rights of West Virginia, Mountain State Centers for Independent Living, Northern West Virginia Center for Independent Living, Appalachian Center for Independent Living, Statewide Rehabilitation Council, West Virginia Association of the Deaf, Open Doors, Inc., National Association of Social Workers—West Virginia Chapter, West Virginia University Center for Excellence in Disabilities, West Virginia Autism Training Center, West Virginia Olmstead Office, Mountain State Parents CAN, Aging and Disability Resource Network, Whole Families, People First of West Virginia, the Arc of The Mid-Ohio Valley, and the Arc of West Virginia have joined together to help increase public awareness of issues and concerns involving West Virginians with disabilities through the Fair Shake Network; and

Whereas, The purpose of Disability Advocacy Day is to increase the awareness and understanding of legislators, administrators, policymakers, and the public about the issues that are important to individuals with disabilities; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 17, 2021, as Disability Advocacy Day at the Legislature; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of the Fair Shake Network.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 26, US Army TEC5 William “Bill” Thurman King Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 318, Relating generally to public notice of unclaimed property held by State Treasurer.

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, Boley, Clements, Grady, Hamilton, Karnes, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—21.

The nays were: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Maroney, Plymale, Romano, Stollings, Unger, and Woelfel—12.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 318) passed.

On motion of Senator Clements, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Com. Sub. for Senate Bill 318—A Bill to amend and reenact §36-8-9 of the Code of West Virginia, 1931, as amended, relating generally to public notice of unclaimed property held by the State Treasurer; eliminating the requirement that the Treasurer publish the unclaimed property registry in newspapers; requiring the Treasurer to publish a searchable database of persons appearing to be the owners of unclaimed property, to be updated every six months; requiring the Treasurer to publish a semiannual advertisement regarding unclaimed property in a newspaper of general circulation in certain counties; and setting forth required content for said advertisement.

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 500, Prohibiting intimidation and retaliation against public officers and employees, jurors, and witnesses.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 500) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 518, Relating to grounds for administrative dissolution of certain companies, corporations, and partnerships.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 518) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2006, Relating to the West Virginia Contractor Licensing Act.

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 House Bill 2006 pass?”

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Karnes, Maroney, Martin, Maynard, Nelson, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—19.

The nays were: Baldwin, Beach, Caputo, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Phillips, Plymale, Romano, Stollings, Unger, and Woelfel—14.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2006) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2006—A Bill to repeal §21-11-1, §21-11-2, §21-11-3, §21-11-4, §21-11-5, §21-11-6, §21-11-7, §21-11-8, §21-11-9, §21-11-10, §21-11-10a, §21-11-11, §21-11-12, §21-11-13, §21-11-14, §21-11-15, §21-11-16, §21-11-17, §21-11-18, and §21-11-20 of the Code of West Virginia, 1931, as amended; to amend and reenact §4-10-10 of said code; to amend and reenact §5-11A-3a of said code; to amend and reenact §5-22-1 of said code; to amend and reenact §21-1-3 of said code; to amend and reenact §21-3C-10a, §21-3C-10b, and §21-3C-11 of said code; to amend and reenact §21-9-2 and §21-9-9 of said code; to amend and reenact §21-11A-2 and §21-11A-4 of said code; to amend and reenact §21-16-4 of said code; to amend and reenact §21A-10-11 of said code; to amend said code by adding thereto a new article, designated §30-42-1, §30-42-2, §30-42-3, §30-42-4, §30-42-5, §30-42-6, §30-42-7, §30-42-8, §30-42-9, §30-42-10, §30-42-11, §30-42-12, §30-42-13, §30-42-14, §30-42-15, §30-42-16, §30-42-17, §30-42-18, §30-42-19, and §30-42-20, all relating to the West

Virginia Contractor Licensing Act; providing for relocating the licensing of contractors from Chapter 21 to Chapter 30 of this code; providing a short title and declaration of policy with definitions; continuing the West Virginia Contractor Licensing Board, composition, terms, qualifications and appointment; administrative duties of board and legislative rules; providing for necessity for contractor license and exemptions; providing for procedure for licensing; providing for expiration date, fees and renewal of license; providing for revocation for unlawful use, assignment or transfer of license; providing for prerequisites to obtaining building permit and mandatory written contracts; providing for requiring informational list for basic universal design features; providing for injunction and criminal penalties for violation of article; providing for specific administrative duties of board and record keeping by the board; establishing authorization to grant reciprocity and to provide training to students who desire to obtain a West Virginia contractor license; providing for misdemeanor criminal penalties for violations of article; providing for limitations on municipalities, local governments, and counties from requiring a license to perform contractor work; providing for an exemption from a contractor license for residential work up to \$5,000 and commercial work up to \$25,000; providing for an exemption from a contractor license for a person performing landscaping and painting services; establishing regulatory review schedule for board; and making technical changes that update code references to contractors throughout this code to the correct code citations.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2009, Relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 2009 pass?”

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—20.

The nays were: Baldwin, Beach, Caputo, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel—13.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2009) 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 House Bill 2009—A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §7-5-25; to amend and reenact §8-5-12 of said code; to amend and reenact §12-3-13b of said code; to amend and reenact §18A-4-9 of said code; to amend and reenact §21-5-1 and §21-5-3 of said code; and to amend and reenact §46A-2-116 of said code, all relating generally to deductions from wages; defining terms under the Wage Payment and Collection Act; including union, labor organization, or club dues or fees as deductions; expanding types of insurance considered as deductions; prohibiting deduction of union, labor organization, or club dues or fees from wages of public employees; providing an exception for certain municipal employees; incorporating definition of “assignment of earnings” from Consumer Credit and Protection Act into Wage Payment and Collection Act; replacing notarization requirement for assignments or orders for future wages with requirement that such assignments or orders be in writing; protecting right of private employers and their employees to agree between themselves as to

payroll deductions; protecting right of employees to participate in unions, labor organizations, and clubs; excluding union, labor organization, or club dues or fees from definition of “assignment of earnings” in the Consumer Credit Protection Act; expanding types of insurance excluded from assignments; prohibiting deductions and assignments of earnings for union, labor organization, or club dues or fees from the compensation of county officers and employees; prohibiting deductions and assignments of earnings for union, labor organization, or club dues or fees from the compensation of certain municipal officers or employees; eliminating voluntary deductions from net wages of state officers and employees for payment of membership dues or fees to employee organizations; prohibiting deductions and assignments of earnings for union, labor organization, or club dues or fees from the compensation of state officers and employees; and prohibiting deductions and assignments of earnings for union, labor organization, or club dues or fees from the compensation of teachers and other school employees.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2263, Update the regulation of pharmacy benefit managers.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Blair (Mr. President)—32.

The nays were: None.

Absent: Stover and Woodrum—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2263) passed.

On motion of Senator Maroney, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2263—A Bill to amend and reenact §5-16-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-51-2, §33-51-3, §33-51-8, and §33-51-9 of said code; and to amend said code by adding thereto two new sections, designated §33-51-11 and §33-51-12, all relating to the regulation of pharmacy benefit managers; amending reporting requirements related Public Employees Insurance Agency; expanding scope; defining terms; regulating the reimbursements of pharmacy benefit managers; addressing network adequacy; providing an effective date; requiring filing of certain methodologies utilized by pharmacy benefit managers; prohibiting certain practices by pharmacy benefits managers; providing consumer choice for pharmacies; setting guidelines for pharmacy benefit plans; requiring rebates to be passed on to the health plan; requiring reporting; and requiring commissioner to consider information in reviewing rates.

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 28, Creating Open and Equal Opportunities in Student Activities Act.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

Com. Sub. for Senate Bill 297, Relating generally to modernizing Board of Treasury Investments.

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 303, Creating Local Government Labor and Consumer Marketing Regulatory Limitation Act.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Weld, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**CHAPTER 8B. LOCAL GOVERNMENT LABOR
REGULATORY LIMITATION ACT.**

ARTICLE 1. LIMITATIONS ON LABOR REGULATIONS.

§8B-1-1. Short title.

This chapter may be known and cited as the Local Government Labor Regulatory Limitation Act.

§8B-1-2. Legislative findings and declarations.

(a) Legislative findings. —

(1) An increasing number of political subdivisions across the United States have attempted to enact labor and employment law mandates on businesses operating within their borders.

(2) Mandates above the state and federal minimums for wages, scheduling and overtime, required paid leave, and efforts to reinstate the prevailing wage requirements previously repealed by the Legislature to regulate labor-management relations at the local level are examples of actions that, if taken by political subdivisions, would interfere with the uniformity of wage and hour laws across the state.

(3) Such local mandates or restrictions, if allowed to happen in West Virginia, would create an unworkable patchwork of regulations throughout the state.

(4) Regulation of employment law in this manner would place a burden on employers and retailers alike of having to comply with regulatory schemes on a city-by-city or county-by-county basis.

(b) *Legislative intent.* — It is the intent of the Legislature that the provisions of this article be construed as a limitation on the use of local ordinances, regulations, or other policies by political subdivisions to regulate labor and employment law in a manner contrary to existing state law or public policy.

§8B-1-3. Definitions.

For the purposes of this article, “political subdivision” means any county commission, municipality, and county board of education; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; any instrumentality supported in most part by municipalities; any public body charged by law with the performance of a government function and whose jurisdiction is coextensive with one or more counties, cities, or towns; a combined city-county health department created pursuant to §16-2-1 *et seq.* of this code; public service districts; and other instrumentalities including, but not limited to, volunteer fire departments and emergency services organizations as recognized by an appropriate public body and authorized by law to perform a government function: *Provided*, That hospitals of a political subdivision and their employees are expressly excluded from the provisions of this article.

§8B-1-4. Prohibited areas of regulation.

(a) A political subdivision may not adopt, enforce, or administer an ordinance, regulation, local policy, local resolution, or other legal requirement regarding any of the following specific areas:

(1) Regulating information an employer or potential employer may request, require, or exclude on an application for employment from an employee or a potential employee: *Provided*, That this section does not prohibit an ordinance, local policy, or local resolution requiring a criminal background check for an employee or potential employee in connection with the receipt of a license or permit from a local governmental body;

(2) Requiring an employer to pay to an employee a wage higher than any applicable state or federal law;

(3) Requiring an employer to pay to an employee a wage or fringe benefit based on wage and fringe benefit rates prevailing in the locality;

(4) Regulating work stoppage or strike activity of employers and their employees or the means by which employees may organize;

(5) Requiring an employer to provide to an employee paid or unpaid leave time;

(6) Requiring an employer or its employees to participate in any educational apprenticeship or apprenticeship training program that is not required by state or federal law;

(7) Regulating hours and scheduling that an employer is required to provide to employees; and

(8) Regulating standards of care, conduct, or licensing fees for any profession regulated, licensed, or certified by the State of West Virginia.

(b) This section does not prohibit any lawfully enacted ordinance, local policy, or local resolution relating to zoning or time, place, and manner of operation requirements in accordance with state law.

§8B-1-5. Civil relief; damages.

Any person injured as a result of any violation of this article has a cause of action, and, if proven in a court of competent jurisdiction, may be entitled to preliminary and permanent injunctive relief, and any other appropriate equitable relief.

§8B-1-6. Exceptions; applicability.

(a) This article does not prohibit a political subdivision from enforcing a written agreement voluntarily entered into and in effect prior to the effective date of this article.

(b) Any ordinance, regulation, local policy, local resolution, or other legal requirement enacted or adopted prior to the effective date of this article, including those enacted or adopted pursuant to §8-1-5a of this code, that would be prohibited under §8B-1-4 of this code is void upon the effective date of this article.

(c) The provisions of §8B-1-4 of this code do not apply to the employees of a political subdivision.

(d) This article does not prohibit or limit a political subdivision from complying with the West Virginia Alcohol and Drug-Free Workplace Act, set forth in §21-1D-1 *et seq.* of this code, or otherwise require similar drug and alcohol policies and testing of a political subdivision's vendors.

Following discussion,

The question being on the adoption of Senator Weld's amendment to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 303), as amended, was then ordered to engrossment and third reading.

Senate Bill 391, Relating to study of child protective services and foster care workforce.

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 431, Relating to school attendance notification requirements to DMV.

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 502, Providing lifetime hunting, fishing, and trapping license to residents, adopted, and foster children under 15.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill 2008, Amending requirements for licensure relating to elevator mechanics, crane operators, HVAC, electricians, and plumbers.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 21. LABOR.

ARTICLE 3C. ELEVATOR SAFETY.

§21-3C-14. Inapplicability of local ordinances.

Effective January 1, 2022, a political subdivision of this state may not require, as a condition precedent to the performance of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyances covered by this article in the political subdivision, a person who holds a valid

license to perform such work issued under the provisions of this article, to have any additional occupational license or other evidence of competence to engage in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyance covered by this article.

ARTICLE 3D. CRANE OPERATOR CERTIFICATION ACT.

§21-3D-1. Definitions.

For purposes of this article:

(a) “Commissioner” means the Commissioner of the Division of Labor, or his or her authorized representative.

(b) “Crane” means a power-operated hoisting machine used in construction, demolition, or excavation work, which has a power-operated winch and load line and a power-operated boom that moves laterally by the rotation of the machine on a carrier, and which has a manufacturer’s rated lifting capacity of more than 2,000 pounds. “Crane” does not mean a forklift, digger, derrick truck, bucket truck, or any vehicle, aircraft, or helicopter, or equipment which does not have a power-operated winch and load line.

~~(c) “Emergency basis” means an occurrence of an event, circumstance or situation that presents an imminent threat to persons or property and constitutes a serious health or safety hazard.~~

~~(d) “Employer” means any person, firm, corporation or other entity who hires or permits any individual to work.~~

~~(e) “Employee” means any individual employed by an employer and also as defined by the commissioner.~~

~~(f)~~(c) “Tower crane” means a crane in which a boom, swinging jib, or other structural member is mounted on a vertical mast or tower.

~~(g) “Training or training course” means a course approved by the commissioner which includes some form of testing throughout, or a final written examination or practical test, or both, which ensures, or tends to ensure that learning has occurred and that the objectives of the training have been realized. The commissioner will evaluate whether the approved training adequately demonstrates competency to safely operate cranes.~~

§21-3D-2. Certification required; exemptions.

~~(a) A person may not operate a crane or tower crane without certification issued according to OSHA regulation 29 CFR §1926.1427 Subpart CC and any amendments that may be made from time to time. Any certifications that may expire in calendar year 2021 shall not expire until January 1, 2022. The commissioner may enter into a cooperative agreement with OSHA to assist in the enforcement of this section. under this article except for those persons exempted under subsection (b) of this section.~~

~~(b) A person is not required to obtain certification under this article if the person:~~

~~(1) Is a member of the Department of Defense or Armed Forces of the United States or an employee of the United States, when such member or employee is engaged in the work of a crane operator exclusively for such governmental unit; or~~

~~(2) Is primarily an operator of farm machinery who is performing the work of a crane operator as part of an agricultural operation; or~~

~~(3) Is operating a crane on an emergency basis; or~~

~~(4) Is operating a crane for personal use and not for profit on the site of real property which the person owns or leases; or~~

~~(5) Is an Operator in Training under the direct supervision of a certified crane operator and:~~

~~(A) Who is enrolled in an industry recognized in-house training course based on the American National Standards Institute Standards for Crane Operators and who is employed by the entity that either taught the training course or contracted to have the training course taught, all of which is approved by the commissioner; or~~

~~(B) Who is enrolled in an apprenticeship program or training program for crane operators approved by the United States Department of Labor, Bureau of Apprenticeship and Training;~~

~~(6) Is an employee of and operating a crane at the direction of any manufacturing plant or other industrial establishment, including any mill, factory, tannery, paper or pulp mill, mine, colliery, breaker or mineral processing operation, quarry, refinery or well or is an employee of and operating a crane at the direction of the person, firm or corporation who owns or is operating such plant or establishment;~~

~~(7) Is an employee of a public utility operating a crane to perform work in connection with facilities used to provide a public service under the jurisdiction of the Public Service Commission, Federal Energy Regulatory Commission or Federal Communications Commission; or~~

~~(8) Is operating timbering harvesting machinery associated with the production of timber and the manufacturing of wood products.~~

§21-3D-3. Powers and duties of commissioner. Inapplicability of local ordinances.

On January 1, 2022, and thereafter, a political subdivision of this state may not require, as a condition precedent to the operation of a crane or tower crane in the political subdivision, a person who is certified according to OSHA regulation 29 CFR §1926.1427 Subpart CC, to have any other license or other evidence of competence as a crane operator.

(a) The commissioner shall:

~~(1) Propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code, which rules at the minimum must include provisions for:~~

~~(A) A Class A certification program for individuals who operate cranes or tower cranes in the State of West Virginia, which must require both a written examination and a practical demonstration, and which must be accredited by the American National Standards Institute's Personnel Certification Accreditation Program;~~

~~(B) A Class B certification program for individuals who operate cranes or tower cranes in the State of West Virginia, which must require the successful completion of a training course;~~

~~(C) Certification categories including lattice boom truck cranes; lattice boom crawler cranes; fixed cab telescoping boom cranes; swing cab telescoping boom cranes; and tower cranes: *Provided*, That the holders of a certification for the large telescoping boom crane, upon application for recertification, will be provided with a one time election to either be certified as an operator of a fixed cab or swing cab telescoping boom crane, and that holders of a certification for the small telescoping boom crane, upon application for recertification, will be automatically certified as a fixed cab operator;~~

~~(D) Class A certification renewal requirements of individuals who operate cranes in the State of West Virginia, that must include a written examination and a current physician's certificate at least every five years; and~~

~~(E) Class B certification renewal requirements of individuals who operate cranes in the State of West Virginia, that must include the successful completion of a training course approved by the commissioner;~~

~~(2) Prescribe application forms for original and renewal certification;~~

~~(3) Set application fees in amounts that are reasonable and necessary to defray the costs of the administration of this article in an amount not to exceed \$75 per year;~~

~~(4) Set examination and training course fees in an amount not to exceed the actual cost of the examination and the training course;~~

~~(5) Administer or cause to be administered the written examination, practical demonstrations and the training course as required for certification;~~

~~(6) Determine the standards for acceptable performance on the written examination, practical demonstration and the required training course: *Provided*, That the minimum standards must be consistent with national standards, current operating procedures and technology and be transferable to other states where possible;~~

~~(7) Provide the option for applicants and crane operators to take examinations that meet or exceed requirements for national crane operator certification; and~~

~~(8) Take other action as necessary to enforce this article.~~

~~(b) The commissioner, or his or her designee, upon receipt of information that a person has engaged in or is engaging in an act that constitutes a violation of this article, may issue a notice to the person to cease and desist and may apply to the circuit court for an order enjoining the act. Upon a showing that the person has engaged in or is engaging in an act that constitutes a violation of this article, the court may order an injunction, restraining order or other order as the court considers appropriate.~~

§21-3D-4. Minimum certification requirements.

[Repealed.]

§21-3D-5. Denial, suspension, revocation, or reinstatement of certification.

[Repealed.]

§21-3D-6. Effect of accident.

[Repealed.]

§21-3D-7. Penalties.

[Repealed.]

§21-3D-8. Crane Operator Certification Fund; fees; disposition of funds.

(a) All fees paid pursuant to this article shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account known as the Crane Operator Certification Fund in the State Treasury and expended for the implementation and enforcement of this article. Through June 30, 2019, amounts collected which are found from time to time to exceed the funds needed for purposes set forth in this article may be utilized by the commissioner as needed to meet the division's funding obligations: *Provided*, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division's funding obligations.

~~(b) The commissioner may set reasonable application fees for the issuance or renewal of certificates and other services associated with crane operator certification.~~ All funds remaining in the Crane Operating Certification Fund on January 1, 2022, shall be appropriated by the Legislature.

§21-3D-9. Reciprocity.

[Repealed.]

ARTICLE 14. SUPERVISION OF PLUMBING WORK.**§21-14-2. Definitions.**

As used in this article:

(a) "License" means a valid and current license issued by the Commissioner of Labor in accordance with the provisions of this article.

(b) “Journeyman plumber” means a person qualified by passage of a journeyman plumber written examination with a score of at least 70 percent ~~at least eight thousand hours of plumbing or related experience~~ and who is competent to instruct and supervise the work of a plumber in training.

(c) “Master plumber” means a person who has passed a master plumber written examination with a score of at least 70 percent ~~with at least twelve thousand hours of plumbing work experience~~ and who is competent to design plumbing systems, and to instruct and supervise the plumbing work of journeyman plumbers, and plumbers in training: Provided, That the master plumber written examination may not be taken until one year after passage of the journeyman plumber examination.

(d) “Plumber in training” means a person who has not passed the journeyman plumber examination: Provided, That the fee for plumbers in training may not be higher than \$25.00, with interest ~~in and an aptitude for performing plumbing work but who alone is not capable of performing plumbing work, and who has fewer than eight thousand hours of plumbing experience~~

(e) “Plumbing” means the practice, materials, and fixtures utilized within a building in the installation, extension, and alteration of all piping, fixtures, water treatment devices, plumbing appliances, and appurtenances, in connection with sanitary drainage or storm drainage facilities; the plumbing venting systems; medical gas systems; fuel oil and gas piping for residential, commercial, and institutional facilities; backflow preventers; and public or private water supply systems, as defined by the state building code.

(f) “Single family dwelling” means a building which is occupied as, or designed or intended for occupancy as, a single residence for one or more persons.

§21-14-7. Penalties.

(a) On and after January 1, 2009, a person performing or offering to perform plumbing work without a license issued by the Commissioner of Labor, is subject to a cease and desist order.

(b) Any person continuing to engage in plumbing work after the issuance of a cease and desist order is ~~guilty of a misdemeanor and, upon conviction thereof,~~ is subject to the following penalties:

(1) For the first offense, a fine of not less than \$200 nor more than \$1,000;

(2) For the second offense, a fine of not less than \$500 nor more than \$2,000, ~~or confinement in jail for not more than six months, or both; and~~

(3) For the third and subsequent offenses, a fine of not less than \$1,000 nor more than \$5,000, ~~and confinement in jail for not less than thirty days nor more than one year.~~

(c) A separate offense means each day, after official notice is given, that a person performs plumbing work that is unlawful or is not in compliance with the provisions of this article.

(d) The Commissioner of Labor may institute proceedings in the circuit court of the county where the alleged violation of the provisions of this article occurred or ~~are~~ is occurring to enjoin any violation of any provision of this article. A circuit court by injunction may compel compliance with the provisions of this article, with the lawful orders of the Commissioner of Labor, and with any final decision of the Commissioner of Labor. The Commissioner of Labor shall be represented in all such proceedings by the Attorney General or his or her assistants.

(e) Any person adversely affected by an action of the Commissioner of Labor may appeal the action pursuant to the provisions of chapter 29A of this code.

ARTICLE 16. REGULATION OF HEATING, VENTILATING, AND COOLING WORK.

§21-16-2. Definitions.

As used in this article and the legislative rules promulgated pursuant to this article:

(a) “Perform work on a heating, ventilating, and cooling system” means to install, maintain, alter, remodel, or repair one or more components of a heating, ventilating, and cooling system.

(b) “Heating, ventilating, and cooling system” means equipment to heat, cool, or ventilate residential or commercial structures, comprised of one or more of the following components:

(1) “Heating system” means a system in which heat is transmitted by radiation, conduction, or convection, or a combination of any of these methods, to the air, surrounding surfaces, or both, and includes a forced air system that uses air being moved by mechanical means to transmit heat, but does not include a fireplace or wood-burning stove not incorporated into or used as a primary heating system;

(2) “Ventilating system” means the natural or mechanical process of supplying air to, or removing air from, any space whether the air is conditioned or not conditioned, at a rate of airflow of more than 250 cubic feet per minute; and

(3) “Cooling system” means a system in which heat is removed from air, surrounding surfaces, or both, and includes an air-conditioning system.

(c) “HVAC Technician” means a person with at least 2,000 hours of HVAC-related work, training, and experience and is licensed to install, test, maintain, and repair both residential and nonresidential heating, ventilating, and cooling systems.

(d) “HVAC Residential Technician” means a person licensed to install, test, maintain, and repair residential heating, ventilating, and cooling systems: *Provided*, That such persons may perform work on nonresidential heating, ventilating, and cooling systems subject to rules promulgated by the commissioner pursuant to §21-16-3 of this code.

(e) “Residential heating, ventilating, and cooling system” means a system of no more than four separate heating, ventilating, and cooling units each with a combined capacity of five tons –

130,000 BTUs for: (1) A single or dual family structure; or (2) a commercial location of no more than 5,000 square feet in size where no fire damper is required. Such term shall not apply to heating, ventilating, and cooling systems that include any packaged rooftop units.

(f) “HVAC technician in training” means a person with less than 2,000 hours of HVAC-related work, training, and experience interest in and an aptitude for performing installation, maintenance, and repair work to a heating, ventilating, and cooling system as defined in this article, but who alone is not capable or authorized to perform heating, ventilating, and cooling system work unless directly supervised by a HVAC technician or an HVAC residential technician: *Provided, That the fee for an HVAC technician in training license may not be higher than \$25.00.*

(g) “HVAC residential technician license” means a valid and current license issued by the Commissioner of Labor in accordance with the provisions of this article to perform work as an HVAC residential technician.

(h) “HVAC technician license” means a valid and current license issued by the Commissioner of Labor in accordance with the provisions of this article to perform work as an HVAC technician.

(i) “Routine maintenance” means work performed on a routine schedule that includes cleaning and/or replacing filters, greasing or lubricating motor bearings, adjusting and/or replacing belts, checking system temperature, checking gas temperature, adjusting gas pressure as required, and checking voltage and amperage draw on heating, ventilating, and cooling systems.

(j) “Single family dwelling” means a building that is occupied as, or designed or intended for occupancy as, a single residence for one or more persons.

§21-16-3. License required; exemptions.

(a) On and after January 1, 2016, a person performing or offering to perform work on a heating, ventilating, and cooling

system in this state shall have a license issued by the Commissioner of Labor, in accordance with the provisions of this article and the legislative rules promulgated pursuant hereto: *Provided*, That the commissioner shall issue HVAC residential technician licenses to qualified applicants without examination who present satisfactory evidence no later than December 31, 2019, of having at least 2,000 hours of experience and/or training working on heating, ventilating, and cooling systems: *Provided, however*, That if a license issued under the authority of this subsection subsequently lapses, the applicant is subject to all licensure requirements, including the examination.

(b) Notwithstanding any other provision of this article to the contrary, the commissioner shall credit verified military service, training, or education toward the licensing requirements, ~~other than~~ including examination requirements pursuant to §21-16-11 of this code, for a license issued under this article. The commissioner shall expedite the issuance of a provisional license or a license by endorsement or reciprocity under this article to an applicant who has verified military experience or holds a current license issued by another jurisdiction that has license requirements that are substantially equivalent to the license requirements of this state.

(c) A person licensed under this article shall carry a copy of the license on any job in which heating, ventilating, and cooling work is being performed.

(d) This article does not apply to:

(1) A person who personally performs work on a heating, ventilating, and cooling system in a single family dwelling owned by that person or by a member of that person's immediate family;

(2) A person who performs work on a heating, ventilating, and cooling system at a manufacturing plant or other industrial establishment as an employee of the person, firm, or corporation operating the plant or establishment;

(3) A person who performs only electrical or plumbing work on a heating, ventilating, and cooling system, which includes, but is not limited to, thermostats, bathroom fans, and tankless water heater ventilation, so long as the work is within the scope of practice which the person is otherwise licensed or authorized to perform; or

(4) A person who performs routine maintenance on any heating, ventilating, and cooling system.

§21-16-5. Rule-making authority.

(a) The Commissioner of Labor shall propose rules for legislative approval, in accordance with the provisions of §21-16-5 *et seq.* of this code, for the implementation and enforcement of the provisions of this article, which shall provide:

(1) Standards and procedures for issuing and renewing licenses, applications, examinations, and qualifications: *Provided, That an HVAC technician may not be required to provide documentation of more than 2,000 hours of total work, training, and experience as a requirement for licensure;*

(2) Provisions for the granting of HVAC technician licenses, without examination, to applicants who present satisfactory evidence no later than July 1, 2016, of having at least 2,000 hours of experience and/or training working on heating, ventilating, and cooling systems and at least 6,000 hours of experience and/or training in heating, ventilating, and cooling, or related work, to include other sheet metal industry tasks: *Provided, That if a license issued under the authority of this subsection subsequently lapses, the applicant is subject to all licensure requirements, including the examination;*

(3) Reciprocity provisions;

(4) Procedures for investigating complaints and revoking or suspending licenses, including appeal procedures;

(5) Fees for issuance and renewal of licenses and other costs necessary to administer the provisions of this article;

(6) Enforcement procedures; and

(7) Any other rules necessary to effectuate the purposes of this article.

(b) The commissioner may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code for the purpose of describing:

(1) Provisions for the granting of HVAC residential technician licenses without examination to qualified applicants who present satisfactory evidence no later than December 31, 2019, of having at least 2,000 hours of experience and/or training working on heating, ventilating, and cooling systems: *Provided*, That if a license issued under the authority of this subsection subsequently lapses, the applicant is subject to all licensure requirements, including the examination;

(2) Provisions for developing an examination required to obtain an HVAC residential technician license commensurate with the scope of practice for HVAC residential technicians as described in §21-16-2(d) of this code: *Provided*, ~~That applicants for such license examination must provide satisfactory evidence of having at least 2,000 hours of experience and/or training working on heating, ventilating, and cooling systems: *Provided*, however,~~ That the rules proposed by the commissioner shall provide that the HVAC residential license examination will be developed in consultation with HVAC industry representatives; and

(3) Provisions for allowing HVAC residential technicians to perform work on nonresidential heating, ventilating, and cooling systems subject to rules promulgated by the commissioner.

§21-16-8. Penalties.

(a) On and after January 1, 2016, a person performing or offering to perform, or an employer authorizing a person not

exempt by the provisions of section three of this article, to perform, heating, ventilating, and cooling work without a license issued by the Commissioner of Labor, is subject to a cease and desist order.

(b) A person continuing to perform, or an employer continuing to authorize a person not exempt by the provisions of §21-16-3 of this code, to perform, heating, ventilating, and cooling work after the issuance of a cease and desist order ~~is guilty of a misdemeanor and, upon conviction thereof,~~ is subject to the following penalties:

(1) For the first offense, a fine of not less than \$200 nor more than \$1,000;

(2) For the second offense, a fine of not less than \$500 nor more than \$2,000;

(3) For the third and subsequent offenses, a fine of not less than \$1,000 nor more than \$5,000, ~~and confinement in jail for not more than one year.~~

(c) Each day after official notice is given, a person continues to perform, or an employer continues to authorize a person to perform, and which is not exempt by the provisions of section three of this article, heating, ventilating, and cooling work, is a separate offense and punishable accordingly.

(d)(1) The Commissioner of Labor may institute proceedings in the circuit court of Kanawha County or of the county where the alleged violation of the provisions of this article occurred or are occurring to enjoin any violation of any provision of this article.

(2) A circuit court may by injunction compel compliance with this article, with the lawful orders of the Commissioner of Labor, and with any final decision of the Commissioner of Labor.

(3) The Commissioner of Labor shall be represented in all such proceedings by the Attorney General or his or her assistants.

(e) Any person adversely affected by an action of the Commissioner of Labor may appeal the action pursuant to chapter 29A of this code.

§21-16-11. Veteran qualifications for license as HVAC Technician.

(a) Any person who has served as a member of any branch of the United States Armed Forces, the National Guard, or armed forces reserve, may apply for licensure, if:

(1) He or she has successfully completed a course of instruction required to qualify him or her for rating as an HVAC technician's mate or other equivalent rating in his or her particular branch of the armed forces;

(2) He or she meets the requirements of this article;

(3) He or she has been honorably discharged from service and submits, to the Commissioner of Labor, a photostatic copy of the honorable discharge;

(4) He or she submits a completed application to the Commissioner of Labor; and

(5) He or she pays the prescribed licensing fees.

(b) A veteran who has allowed more than 30 years to pass from the date of his or her successful completion of a course of instruction and the date of application for licensure in this state may be required to attend additional training courses.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 3B. SUPERVISION OF ELECTRICIANS.

§29-3B-2. Necessity of license; definitions.

After the effective date of this article, no electrical work may be performed, offered, or engaged in for compensation or hire

within the state of West Virginia by any person, firm, or corporation unless such person, firm, or corporation possesses a license and a certificate issued by the State Fire Marshal in accordance with this article: Provided, That any person who is assisting a journeyman or master electrician does not require a license to perform such supervised work, and a copy of the license is posted on any job in which electrical work is being performed for hire.

As used in this article:

~~(a)~~ (a) “Apprentice electrician” means a person with interest in and an aptitude for performing electrical work but who alone is not capable of performing electrical work unless directly supervised by a higher license classification.

~~(b)~~ (a) “Electrical contractor” means a person, firm, or corporation who engages in the business of electrical work and employs master electricians, journeyman electricians, ~~apprentice electricians~~ or other related workers for the construction, alteration, or repair of any electrical wiring, equipment, or systems as defined in the scope of the national electric code.

~~(c)~~ (b) “Electrical work” means the installation of wires, conduits, apparatus, fixtures, other appliances, equipment, or systems for transmitting, carrying, controlling, or using electricity as defined in the scope of the national electric code.

~~(d)~~ (c) “Journeyman electrician” means a person qualified by at least ~~four years~~ one year of electrical work experience to do any work installing wires, conduits, apparatus, equipment, fixtures, and other appliances, provided that this classification is not authorized to design electrical systems.

~~(e)~~ (d) “License” means a valid and current certificate of competency issued by the state Fire Marshal.

~~(f)~~ (e) “Master electrician” means a person with at least ~~five~~ two years of electrical work experience, including experience in all phases of electrical wiring and installation, who is competent to

design electrical systems, and to instruct and supervise the electrical work of journeyman electricians, ~~apprentice electricians,~~ and other related workers.

~~(g)~~(f) “Specialty electrician” means a person qualified to perform electrical work in a limited or specialized area.

§29-3B-3. Exemptions; nonapplicability of license requirements; legislative rules for limited reciprocity.

(a) This article does not apply to, and no license may be required for: ~~(1) A person who performs electrical work with respect to any property owned or leased by that person; (2) a person who performs electrical work at any manufacturing plant or other industrial establishment as an employee of the person, firm or corporation operating the plant or establishment; (3) a person who performs electrical work while employed by an employer who engages in the business of selling appliances at retail, so long as such electrical work is performed incident to the installation or repair of appliances sold by the employer; (4) a person who, while employed by a public utility or its affiliate, performs electrical work in connection with the furnishing of public utility service; or (5) any government employee performing electrical work on government property.~~

(1) A person who performs electrical work with respect to any property owned or leased by that person or that person’s immediate family;

(2) A person who performs electrical work at any manufacturing plant or other industrial establishment as an employee of the firm or corporation operating the plant or establishment;

(3) A person who performs electrical work while employed by an employer who engages in the business of selling appliances at retail, so long as such electrical work is performed incident to the installation or repair of appliances sold by the employer;

(4) A person who, while employed by a public utility or its affiliate, performs electrical work in connection with the furnishing of public utility service;

(5) Any government employee performing electrical work on government property; or

(6) Any person who performs low voltage electrical work with only low voltage wiring will not be required to have an electrician's license other than a specialty license. For purposes of this section, low voltage electrical work is 80 volts or less, and directly related wiring. Wiring is directly related if it:

(A) Originated at the load-side terminals of a disconnecting means or junction box that has been installed, complete with line-side connections by others for the specific purpose of supply to the low voltage wiring system involved;

(B) Is permanently and legibly marked to identify the low voltage wiring system supplied; and

(C) Is not installed in a location considered hazardous under the National Electrical Code.

(b)(1) Notwithstanding any other provision of this article to the contrary, a journeyman or master electrician license may be issued for a person who is a former resident of this state, who formerly held an electrician's license issued by this state, who has obtained an equivalent electrician license from another state, and who returns to this state as a permanent resident, without requiring the person to meet the application or examination requirements that would otherwise be imposed on the person by the requirements of this article when the issuance of the license is permitted by legislative rules promulgated pursuant to the provisions of this subsection.

(2) The State Fire Marshal shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to provide for the licensing of electricians with equivalent qualifications described in subdivision (1) of this subsection.

Notwithstanding any other provision of this code to the contrary, the legislative rules described in this subsection may not be filed as emergency rules.

§29-3B-4. Licenses; classes of licenses; issuance of licenses by commissioner; qualifications required for license; nontransferability and nonassignability of licenses; expiration of license; renewal; reciprocity.

(a) The following classes of license may be issued by the State Fire Marshal: master electrician license, journeyman electrician license, ~~“apprentice electrician license”~~ and temporary electrician license. Additional classes of specialty electrician license may be issued by the State Fire Marshal.

(b) The State Fire Marshal shall issue the appropriate class of license upon a finding that the applicant possesses the qualifications for the class of license to be issued. When considering whether an applicant possess the qualifications for the class of license, the State Fire Marshal shall consider whether an applicant’s prior criminal convictions bear a rational nexus on the license being sought.

(1) The State Fire Marshal may not disqualify an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring licensure. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the State Fire Marshal shall consider at a minimum:

(A) The nature and seriousness of the crime for which the individual was convicted;

(B) The passage of time since the commission of the crime;

(C) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(D) Any evidence of rehabilitation or treatment undertaken by the individual.

(2) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from licensure because of a prior criminal conviction, the State Fire Marshal shall permit the applicant to apply for initial licensure if:

(A) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(B) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(C) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the State Fire Marshal.

(3) An individual with a criminal record who has not previously applied for licensure may petition the State Fire Marshal at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include sufficient details about the individual's criminal record to enable the State Fire Marshal to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction.

(c) The State Fire Marshal shall propose rules for legislative approval regarding qualifications for testing, issuance of licenses, and renewal in accordance with the provisions of §29A-3-1 *et seq.*, of this code.

(d) To the extent that other jurisdictions provide for the licensing of electricians, the State Fire Marshal ~~may~~ shall grant the same or equivalent classification of license without written examination upon satisfactory proof furnished to the State Fire Marshal that the qualifications of the applicant demonstrate that the

~~person can perform work safely and competently and is in good standing with all other jurisdictions where he or she is licensed, are equal to the qualifications required by this article and upon payment of the required fee: *Provided*, That as a condition to reciprocity, the other jurisdictions must extend to licensed electricians of this state, the same or equivalent classification.~~

(e) In addition to any other information required, the applicant's ~~Social Security~~ social security number shall be recorded on any application for a license submitted pursuant to the provisions of this section.

§29-3B-6. Relicensing without retesting after nonrenewal under certain circumstances.

An electrician previously licensed by the State Fire Marshal who did not renew his or her electrician's license may renew the license without retesting within ~~three~~ five years of the date of the last renewal: *Provided*, That the electrician's license had not been revoked and that the applicant pays double the current fee ~~if his or her license has been lapsed for two renewal periods, or triple the current fee if his or her license has been lapsed for three renewal periods.~~

§29-3B-8. Effect of noncompliance with article; failure to obtain license.

Any person, firm, corporation, or employee thereof, or any representative, member, or officer of such firm or corporation, individually, entering upon or engaging in the business of performing any electrical work as defined in this article, without obtaining the required license or otherwise complying with this article, is for the first offense ~~guilty of a misdemeanor, and, upon conviction thereof,~~ shall be fined not less than \$100, nor more than \$500. For a second ~~and each subsequent~~ offense, the penalty and punishment is a fine of not less than \$500 nor more than \$1,000. For the third and each subsequent offense, the penalty and punishment is a fine of not less than \$1,000 nor more than \$5,000.

Each day during which such electrical work is performed without the required license or while in noncompliance with any of the provisions of this article, after official notice that such work is unlawful, is a separate offense.

Any electrical work performed by a person, firm, or corporation which is determined by the State Fire Marshal to constitute a safety or health hazard to members of the public or any electrical work of an extensive nature being performed by any person without the required license or otherwise in noncompliance with the requirements of this article or contrary to an order or rule promulgated lawfully by the State Fire Marshal, is subject to being issued a citation or a civil action in the name of the state in the circuit court of the county where such work is being performed for an injunction against such person, firm, or corporation, enjoining such work or violation. A circuit court by mandatory or prohibitory injunction may compel compliance with the provisions of this article, with the lawful orders of the State Fire Marshal and with any final decision of the State Fire Marshal or State Fire Commission. The State Fire Marshal shall be represented in all such proceedings by the Attorney General or his or her assistants.

ARTICLE 3D. SUPERVISION OF FIRE PROTECTION WORK.

§29-3D-2. Definitions.

As used in this article and the legislative rules promulgated pursuant to this article:

“Combination fire/smoke damper” means a device that meets both fire damper and smoke damper requirements.

“Damper” means a fire damper, smoke damper, or combination fire/smoke damper.

“Damper work” means to install, test, maintain, or repair a damper.

“Engineered suppression systems installer” means a person certified by a manufacturer to install, alter, extend, maintain, ~~layout~~ lay out, or repair an agent suppression system.

“Engineered Suppression Systems Technician” means a person certified by a manufacturer to maintain or repair an agent suppression system.

“Fire damper” means a device installed in an air distribution system, designed to close automatically upon detection of heat, to interrupt migratory airflow, and to restrict the passage of flame. Fire dampers are classified for use in either static systems or for dynamic systems, where the dampers are rated for closure under airflow.

~~“Fire protection damper technician” means a person certified to install, test, maintain or repair a damper.~~

~~“Fire protection damper technician in training” means a person with interest in and an aptitude for performing installation, maintenance or repair work to a damper as defined in this article, but who alone is not capable or authorized to perform damper work unless directly supervised by a Fire Protection Damper Technician.~~

“Fire protection layout technician” is an individual who has achieved National Institute for Certification in Engineering Technologies (NICET) Level III, or has achieved from the National Fire Protection Association a certification in Certified Water Based Systems Professional (CWBSP), or has passed an exam approved by the state Fire Marshal from the National Inspection Testing Certification (NITC) organization, or higher certification as recognized by the state Fire Marshal, and who has the knowledge, experience, and skills necessary to ~~layout~~ lay out fire protection systems based on engineering design documents.

“Fire protection system” means any fire protection suppression device or system designed, installed, and maintained in accordance with the applicable National Fire Protection Association (NFPA)

codes and standards, but does not include public or private mobile fire vehicles.

“Fire protection work” means the installation, alteration, extension, maintenance, or testing of all piping, materials, and equipment inside a building, including the use of shop drawings prepared by a fire protection layout technician, in connection with the discharge of water, other special fluids, chemicals, or gases, and backflow preventers for fire protection for the express purpose of extinguishing or controlling fire.

“Journeyman sprinkler fitter” means a person qualified by at least 5,000 2,000 hours of work experience installing, adjusting, repairing, and dismantling fire protection systems and who is competent to instruct and supervise ~~the~~ fire protection work; Provided, That current license renewal exemptions to examinations apply. of a sprinkler fitter in training.

“License” means a valid and current license issued by the State Fire Marshal in accordance with the provisions of this article.

“Portable fire extinguisher technician” means a person certified in accordance with NFPA 10 to install, maintain, repair, and certify portable fire extinguishers as defined by NFPA 10.

“Preengineered suppression systems installer” means a person certified by a manufacturer to install, alter, extend, maintain, ~~layout~~ lay out, or repair an agent suppression system.

“Preengineered suppression systems technician” means a person certified to maintain or repair an agent suppression system.

“Single family dwelling” means a building which is occupied as, or designed or intended for occupancy as, a single residence for one or more persons.

“Smoke damper” means a device within an operating (dynamic) air distribution system to control the movement of smoke.

~~“Sprinkler fitter in training” means a person with interest in and an aptitude for performing fire protection work but who alone is not capable of performing such work, and who has fewer than 5,000 hours of experience installing, adjusting, repairing and dismantling fire protection systems.~~

§29-3D-3. License required; exemptions.

(a) On and after January 1, 2009, a person performing or offering to perform fire protection work in this state shall have a license issued by the State Fire Marshal, in accordance with the provisions of this article.

~~(b) On and after January 1, 2016, a person performing or offering to perform damper work in this state shall have a license issued by the State Fire Marshal, in accordance with the provisions of this article and the legislative rules promulgated pursuant hereto: *Provided*, That a person may not be licensed to perform damper work in this state without first being licensed as a HVAC technician pursuant to the provisions of §21-16-1 *et seq.* of this code.~~

~~(e)~~(b) A person licensed under this article must carry a copy of the license on any job in which fire protection work is being performed.

~~(d)~~(c) This article does not apply to:

(1) A person who personally performs fire protection work or damper work on a single family dwelling owned or leased, ~~and occupied~~ by that person or that person’s immediate family;

(2) A person who performs fire protection work or damper work at any manufacturing plant or other industrial establishment as an employee of the person, firm, or corporation operating the plant or establishment;

(3) A person who, while employed by a public utility or its affiliate, performs fire protection work in connection with the furnishing of public utility service.

(4) A person who performs fire protection work while engaging in the business of installing, altering, or repairing water distribution or drainage lines outside the foundation walls of a building, public or private sewage treatment or water treatment systems, including all associated structures or buildings, sewers, or underground utility services;

(5) A person who performs fire protection work while engaged in the installation, extension, dismantling, adjustment, repair, or alteration of a heating ventilation and air conditioning (HVAC) system, air-veyor system, air exhaust system, or air handling system; or

(6) A person who performs fire protection work at a coal mine that is being actively mined or where coal is being processed.

§29-3D-4. Rule-making authority.

The State Fire Marshal shall propose rules for legislative approval, in accordance with the provisions of §29A-3-1 *et seq.* of this code, for the implementation and enforcement of the provisions of this article, which shall provide:

(1) Standards and procedures for issuing and renewing licenses, including classifications of licenses as defined in this article, applications, examinations, and qualifications: *Provided*, That the rules shall require a person to be licensed as a HVAC technician or HVAC technician in training pursuant to §21-16-1 *et seq.* of this code and the rules promulgated pursuant thereto, before ~~being granted a license to perform~~ performing damper work pursuant to this article;

(2) Provisions for the granting of licenses without examination, to applicants who present satisfactory evidence of having the expertise required to perform fire protection work at the level of the classifications defined in this article and who apply for licensure on or before July 1, 2009: *Provided*, That if a license issued under the authority of this subsection subsequently lapses,

the applicant is subject to all licensure requirements, including the examination;

(3) Provisions for the granting of licenses without examination, to applicants who present satisfactory evidence of having the expertise required to perform damper work at the level of the classifications defined in this article and who apply for licensure on or before July 1, 2016: *Provided*, That if a license issued under the authority of this subsection subsequently lapses, the applicant is subject to all licensure requirements, including the examination;

(4) Reciprocity provisions;

(5) Procedures for investigating complaints and revoking or suspending licenses, including appeal procedures;

(6) Fees for testing, issuance and renewal of licenses, and other costs necessary to administer the provisions of this article;

(7) Enforcement procedures; and

(8) Any other rules necessary to effectuate the purposes of this article.

§29-3D-6. Denial, suspension and revocation of license.

(a) The State Fire Marshal may deny a license to any applicant who fails to comply with the rules established by the State Fire Marshal, or who lacks the necessary qualifications. When considering whether an applicant ~~possess~~ possesses the qualifications for a license, the State Fire Marshal shall consider whether an applicant's prior criminal convictions bear a rational nexus on the license being sought.

(1) The State Fire Marshal may not disqualify an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring licensure. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the State Fire Marshal shall consider at a minimum:

(A) The nature and seriousness of the crime for which the individual was convicted;

(B) The passage of time since the commission of the crime;

(C) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(D) Any evidence of rehabilitation or treatment undertaken by the individual.

(2) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from licensure because of a prior criminal conviction, the State Fire Marshal shall permit the applicant to apply for initial licensure if:

(A) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(B) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(C) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the State Fire Marshal.

(3) An individual with a criminal record who has not previously applied for licensure may petition the State Fire Marshal at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include sufficient details about the individual's criminal record to enable the State Fire Marshal to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction.

(b) The State Fire Marshal may, upon complaint or upon his or her own inquiry, and after notice to the licensee, suspend or revoke a licensee's license if:

(1) The license was granted upon an application or documents supporting the application which materially misstated the terms of the applicant's qualifications or experience;

(2) The licensee subscribed or vouched for a material misstatement in his or her application for licensure; or

(3) The licensee incompetently or unsafely performs ~~plumbing,~~ fire protection work or damper work.

§29-3D-7. Penalties.

(a) On and after January 1, 2009, a person performing or offering to perform fire protection work without a license issued by the State Fire Marshal, is subject to a citation.

~~(b) On and after January 1, 2016, a person performing or offering to perform, or an employer authorizing a person not exempt by the provisions of §29-3D-3 of this code, to perform, damper work without a license issued by the State Fire Marshal, is subject to a citation.~~

~~(e)(b) Any person continuing to engage in fire protection work or damper work after the issuance of a citation is guilty of a misdemeanor and, upon conviction thereof, is subject to the following penalties:~~

~~(1) For the first offense, a fine of not less than \$200 nor more than \$1,000;~~

~~(2) For the second offense, a fine of not less than \$500 nor more than \$2,000, or confinement in jail for not more than six months, or both; and~~

~~(3) For the third and subsequent offenses, a fine of not less than \$1,000 nor more than \$5,000, and confinement in jail for not less than thirty days nor more than one year.~~

~~(d)~~(c) Each day after a citation is given that a person continues to perform, or an employer continues to authorize a person to perform, fire protection work ~~or damper work~~, which is not exempt by the provisions of §29-3D-3 of this code, is a separate offense and punishable accordingly.

~~(e)~~(d)(1) The State Fire Marshal may institute proceedings in the circuit court of Kanawha County or the county where the alleged violation of the provisions of this article occurred or are now occurring to enjoin any violation of any provision of this article.

(2) A circuit court by injunction may compel compliance with the provisions of this article, with the lawful orders of the State Fire Marshal and with any final decision of the State Fire Marshal.

(3) The State Fire Marshal shall be represented in all such proceedings by the Attorney General or his or her assistants.

~~(f)~~(e) Any person adversely affected by an action of the State Fire Marshal may appeal the action pursuant to the provisions of chapter 29A of this code.

The question being on the adoption of the Government Organization committee amendment to the bill (Eng. Com. Sub. for H. B. 2008), and on this question, Senator Plymale demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Boley, Clements, Karnes, Maroney, Martin, Maynard, Nelson, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Blair (Mr. President)—18.

The nays were: Baldwin, Beach, Caputo, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Phillips, Plymale, Romano, Stollings, Unger, and Woelfel—14.

Absent: Stover and Woodrum—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the Government Organization committee amendment to the bill adopted.

The bill (Eng. Com. Sub. for H. B. 2008), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2013, Relating to the Hope Scholarship Program.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 2616, Amend the reporting to the Governor and the Legislature to have information continuously available on the Office of Health Facility Licensure and Certification's website.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk:

On page three, section two, line fifty, by striking out “§25-1-3 or”.

The question being on the adoption of the Health and Human Resources committee amendment to the bill (Eng. Com. Sub. for H. B. 2616), and on this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Blair (Mr. President)—32.

The nays were: None.

Absent: Stover and Woodrum—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the Health and Human Resources committee amendment to the bill adopted.

The bill (Eng. Com. Sub. for H. B. 2616), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

Com. Sub. for Senate Bill 562, Relating to juvenile competency proceedings.

Com. Sub. for Senate Bill 566, Relating to interpretations of school laws.

Eng. Com. Sub. for House Bill 2372, Allow pre-candidacy papers to be filed the day after the general election.

And,

Eng. Com. Sub. for House Bill 2682, Relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements.

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 Senators Plymale and Weld.

The Senate next proceeded to the thirteenth order of business.

At the request of Senator Takubo, unanimous consent being granted, a leave of absence for the day was granted Senator Woodrum.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on March 15, 2021:

Senate Bill 353: Senator Takubo;

And,

Senate Bill 448: Senator Romano.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution on March 15, 2021:

Senate Bill 246: Senator Martin;

Senate Bill 446: Senator Takubo;

Senate Bill 567: Senator Takubo;

Senate Bill 636: Senator Karnes;

Senate Bill 638: Senator Karnes;

Senate Bill 640: Senator Lindsay;

Senate Bill 641: Senators Lindsay and Smith;

Senate Bill 643: Senators Stollings and Phillips;

And,

Senate Joint Resolution 11: Senators Woodrum and Phillips.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:11 p.m., the Senate adjourned until tomorrow, Wednesday, March 17, 2021, at 11 a.m.

WEDNESDAY, March 17, 2021

The Senate met at 11:03 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Stephen Baldwin, a senator from the tenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mike Caputo, a senator from the thirteenth district.

Pending the reading of the Journal of Tuesday, March 16, 2021,

At the request of Senator Rucker, 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 amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 89, Exempting certain kindergarten and preschool programs offered by private schools from registration requirements.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 2, section 113, line 33, after the words “or is” by inserting the following: “an out-of-school time, summer recreation camp or day camp program”

And

On page 2, section 113, line 42, as follows: after the words “church school” by striking the word who and replacing it with the word “that”

And

On page 2, section 113, line 43 by adding the following:

(10) Any school education program which is operated by a grantee under 42 USC 9801, *et seq.*, the federal Head Start Program. *Provided*, That these programs are required to continue to perform criminal background checks on all employees with a service that includes a RAP back system.

And

On page 3, section 113, line 50 after the words “All facilities or programs” inserting the following: “with the exception of programs operated by county parks and recreation commissions, boards and municipalities”;

On page 3, section 113, line 50, by striking the words “with the exception of programs operated by county parks and recreation commissions, boards and municipalities”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 89—A Bill to amend and reenact §49-2-113 of the Code of West Virginia, 1931, as amended, relating to exempting from licensure requirements certain education programs operated by private schools with accredited preschool classes and

certain recognition by Department of Education, adding language clarifying what programs operated by county parks and recreation departments are exempt from licensure requirements, and exempting certain school programs operated under 42 USC 9801, the federal Head Start Program, from licensure requirements.

On motion of Senator Rucker, the following amendment to the House of Delegates amendments to the bill (Eng. S. B. 89) was reported by the Clerk and adopted:

On page three, section one hundred thirteen, after line forty-three by striking out all of subdivision (10) and inserting in lieu thereof a new subdivision (10), to read as follows:

(10) Any school education program which is operated by a grantee under 42 U.S.C. § 9801 *et seq.*, the federal Head Start Program: *Provided*, That these programs are required to continue to perform criminal background checks on all employees in accordance with federal requirements.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Senate Bill 89, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 89) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 15, Extending certain leases between US Army Corps of Engineers and Nicholas County Airport Authority.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, to take effect from passage, of

Eng. Com. Sub. for House Bill 2011, Eliminating any time requirements for part time personnel to work during a working year.

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 2379—A Bill to amend and reenact §61-8-28 of the Code of West Virginia, 1931, as amended, relating to the offense of criminal invasion of privacy by visual portrayal; changing the offense from a misdemeanor to a felony and increasing the penalties for this offense.

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 2770—A Bill to amend and reenact §30-29-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §61-7-11a of said code; and, to amend and reenact §62-11B-7a of said Code; all relating to the status of home incarceration supervisors; including home incarceration

supervisors in definition of law-enforcement officers; authorizing home incarceration supervisors to carry a concealed firearm in certain facilities limited to other law-enforcement officers; authorizing home incarceration supervisors to carry firearms while performing their duties if their county has adopted a concealed firearms training program that complies with federal law enforcement training requirements; and, providing for training to enable home incarceration supervisors to fully qualify as law enforcement officers if they have not previously done so.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 2776—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-11B-1, §33-11B-2, §33-11B-3, §33-11B-4, §33-11B-5, §33-11B-6, and §33-11B-7, relating to the creation of the Air Ambulance Patient Protection Act, declaring that an air ambulance service provider who solicits air ambulance membership subscriptions, accepts membership applications, or charges membership fees, is an insurer and shall be regulated by the commissioner, including an air ambulance patient bill of rights, providing for certain patient disclosures and consumer protections regarding existing coverage for air ambulance services, out-of-pocket costs or cost-sharing, advising patients of his or her rights pursuant to Section 105 of the federal No Surprises Act, providing for rulemaking by the commissioner, and providing for severability and internal effective dates.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 2888—A Bill to amend and reenact §53-4A-1 of the West Virginia Code, 1931, as amended, relating to clarifying when a contention is adjudicated; defining forensic scientific evidence; and providing that no additional liabilities are created.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution 8—Requesting the Division of Highways name bridge number 20-79-9.20 NB and SB, carrying Interstate 79 over Little Sandy near Elkview in Kanawha County, the “U. S. Army SFC Guy R. Hively Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution 13—Requesting the Division of Highways name bridge number 22-037/00-004.35 (22A059), (38.10346, -82.17775) locally known as East Fork Bridge, carrying WV 37 over East Fork in Lincoln County, the “U. S. Army TEC5 Donald “Tiny” Lucas Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution 16—Requesting the Division of Highways name a portion of WV Route 37, known as East Lynn Road, in Lincoln County, from the Lincoln County line a distance of 4.39 miles, to its intersection with WV Route 10, the “U. S. Army PFC Franklin Delano Frazier Memorial Road”.

Referred to the Committee on Transportation and Infrastructure.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution 32—Requesting the Division of Highways name the entire length of road designated as County Route 9 and County Route 14 in Fayetteville, situated in Fayette County, West Virginia, locally known as “Gatewood Road,” as the “Senator Shirley Love Memorial Road”.

Referred to the Committee on Transportation and Infrastructure.

Executive Communications

The Clerk then presented the following communication from His Excellency, the Governor, regarding bills approved by him:



Jim Justice
Governor of West Virginia

March 16, 2021

The Honorable Lee Cassis, Clerk
West Virginia Senate
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Committee Substitute for Senate Bill No. Twelve (12), which was presented to me on March 10, 2021.

Committee Substitute for Senate Bill No. Two Hundred Sixteen (216), which was presented to me on March 15, 2021.

Committee Substitute for Senate Bill No. Three Hundred Forty-Five (345), which was presented to me on March 10, 2021.

Senate Bill No. Three Hundred Fifty-Eight (358), which was presented to me on March 10, 2021.

Senate Bill No. Four Hundred Fifty-Nine (459), which was presented to me on March 10, 2021.

You will note that I have approved these bills on March 16, 2021.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

[CLERK'S NOTE: **Enr. Committee Substitute for Senate Bill 11** became law without the Governor's signature on March 16, 2021, under the provisions of Section 14, Article VII of the Constitution of West Virginia.]

The Senate proceeded to the fourth order of business.

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 36, Relating to WV Secondary School Activities Commission audits.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 36 (originating in the Committee on Education)—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Secondary School Activities Commission; prohibiting any rule of the commission from being enforced without the approval of the rule by the State Board of Education; requiring the commission to make the results of the annual audit of its funds available to the public; authorizing the Legislative Auditor, at reasonable and prudent intervals, to conduct performance audits of the commission to determine how well it is accomplishing its mission; and requiring an initial performance audit of the commission by December 1, 2022.

And,

Senate Bill 636, Requiring certain history and civics courses be taught in schools.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 636 (originating in the Committee on Education)—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to imposing additional requirements for the courses required for all public, private, parochial, and denominational schools in the history of the State of West Virginia, the history of the United States, in civics, in the Constitution of the United States, and in the government of West Virginia; requiring the State Board of Education to consult with certain other entities in prescribing the courses of study; requiring the State Board of Education to include the basic course requirements for middle school and high school and the academic standards when prescribing the courses of study; requiring the State Board of Education to publish an approved list of instructional resources; requiring the State Board of Education to provide testing or assessment instruments for the history and civics courses of instruction; and expanding amendments to the Constitution of the United States to be emphasized as a part of the instruction in each social studies class required during Celebrate Freedom Week.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 384, Increasing minimum salaries for Bureau for Child Support Enforcement attorneys.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 440, Relating to requirements on abandoned or discontinued state highway or road.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 440 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17-2A-8 of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of the Division of Highways to post online certain records related to the discontinuance, vacating, or closing of any road or highway or part thereof; and requiring the Division of Highways to make virtual participation available to any person interested in participating in or attending any hearing related to such discontinuance, vacating, or closing.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles H. Clements,
Chair.

The bill (Com. Sub. for S. B. 440), under the original double committee reference, was then referred to the Committee on Finance.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 509, Removing requirement that determination of medical stability be found prior to admission to mental health facility.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 509 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §27-5-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §27-5-3a, all relating to involuntary hospitalization; requiring training by specified persons on medical causation for psychiatric disease with focus on medical conditions causing or contributing to psychiatric presentation; providing that magistrate or mental hygiene commissioner may determine individual be evaluated for medical condition; removing a requirement that a determination of medical stability be found prior to admission to a mental health facility; providing that a physical may be provided to the individual upon admission to the mental health facility; and providing that if after entry of order of involuntary hospitalization is entered the cause is determined to be medical rather than physical this shall not serve to make the person banned from possessing a firearm.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,
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 569, Relating to damages for medical monitoring.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 569 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to damages for medical monitoring; establishing requirements for an order for payment of medical monitoring expenses; providing that an increased risk of disease is not a compensable basis for damages in any civil action; providing that, where awarded, payment of medical monitoring expenses shall not be paid to a prevailing plaintiff until the procedure is completed; requiring that, where awarded, defendants pay medical monitoring expenses into a fund established by the court for that purpose; and providing for the return of any money remaining in the fund after medical monitoring is no longer required to the defendants.

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 614, Including family court judges in Judges' Retirement System.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 614 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §51-2A-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §51-2A-6 of said code; and to amend and reenact §51-9-1a of said code, all relating to including family court judges in the Judges' Retirement System.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The bill (Com. Sub. for S. B. 614), under the original double committee reference, was then referred to the Committee on Finance.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 16, USMC Corporal Roger Lee Boothe Memorial Road.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Charles H. Clements,
Chair.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 2024, Expand use of telemedicine to all medical personnel.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Michael J. Maroney,
Chair.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Eng. House Bill 2701, Relating to authorizing the Division of Rehabilitation Services to approve acceptable training programs required for low vision individuals to obtain a Class G drivers license.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles H. Clements,
Chair.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. House Bill 2788, Expiring funds to the unappropriated surplus balance from State Excess Lottery Revenue Fund.

Eng. Com. Sub. for House Bill 2789, Supplementing and amending the appropriations to Public Defender Services.

Eng. Com. Sub. for House Bill 2802, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Emergency Management.

Eng. Com. Sub. for House Bill 2803, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry.

And,

Eng. House Bill 2804, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Eric J. Tarr,
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:

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 645—A Bill supplementing and amending appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing existing items of appropriation from the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2021, organization 0511 and from the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2021, organization 0506, and increasing an existing item of appropriation to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2021, organization 0511, by supplementing and amending appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 646—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Homeland Security, Division of Administrative Services, fund 8803, fiscal year 2021, organization 0623, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 647—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Homeland Security, Department of Homeland Security – Office of the Secretary – Law-Enforcement, Safety and Emergency Worker Funeral Expense Payment Fund, fund 6003, fiscal year 2021, organization 0601, by

supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 648—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Division of Human Services – Child Care and Development, fund 8817, fiscal year 2021, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senators Caputo and Lindsay:

Senate Bill 649—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16A-17-1, §16A-17-2, §16A-17-3, §16A-17-4, §16A-17-5, §16A-17-6, §16A-17-7, §16A-17-8, and §16A-17-9, all relating to legalizing cannabis production, sales, and adult consumption; providing legislative purpose and findings; defining terms; legalizing the possession of one ounce or less of cannabis and cannabis products by adults; authorizing production, sales, transfer, and transport of cannabis upon passing county referendums; providing procedure for county commissions to authorize county referendum on legislation of production and sales; establishing mechanisms for permitting and licensing production and sales facilities by the Bureau for Public Health and localities; authorizing the Bureau for Public Health to promulgate rules, establish licensing and administrative penalties relating to the production, sales, transfer, and transport of cannabis in authorizing counties; authorizing the Department of Revenue to promulgate rules and administer tax collections; authorizing localities to regulate manufacturing and sales locations; authorizing a special excise tax on cannabis; creating a new fund and dedicating proceeds of the fund; authorizing county local sales tax to be

collected and used for the benefit of county and municipal governments; providing current laws relating to employment, vehicle operation, underage use, or private property use preserved; and establishing that the operation of this article is not intended to alter the West Virginia Medical Cannabis Act.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Stover, Azinger, Grady, Karnes, Martin, Maynard, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Tarr, and Woodrum:

Senate Bill 650—A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to permitting persons who have been issued state licenses to carry concealed deadly weapons on the grounds of the State Capitol Complex, except for the third and fourth floors of the east wing of Building One.

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 651—A Bill to amend and reenact §18-9-3a of the Code of West Virginia, 1931, as amended, relating to giving county boards of education the option of publishing their financial statements on their websites rather than publishing as a Class I-0 legal advertisement.

Referred to the Committee on Education.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 652—A Bill supplementing and amending appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing an existing item of appropriation from the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2021, organization 0511, and adding a new item of appropriation to the Department of Health and Human Resources, Department of

Health and Human Resources - Office of the Secretary, fund 0400, fiscal year 2021, organization 0501, by supplementing and amending appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 653—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Health and Human Resources, Division of Health – Central Office, fund 8802, fiscal year 2021, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 654—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Commerce, Geological and Economic Survey, fund 8704, fiscal year 2021, organization 0306, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Swope:

Senate Bill 655—A Bill to amend and reenact §24A-2-2b of the Code of West Virginia, 1931, as amended, relating to cancelling a review of Public Service Commission rules relating to recovering, hauling, and storing wrecked or disabled vehicles; and eliminating a sunset requirement on those rules.

Referred to the Committee on the Judiciary.

By Senator Swope:

Senate Bill 656—A Bill to amend and reenact §24A-5-2a of the Code of West Virginia, 1931, as amended, relating to use of a federal index in setting rates for collection and haulage of solid waste; mandating that the Public Service Commission calculate year over year percentage increase from the adjusted federal index; adjusting reference dates; and providing for notice and order for the amount by which rates will be adjusted.

Referred to the Committee on Government Organization.

By Senators Phillips, Azinger, Rucker, Smith, Sypolt, Tarr, and Woodrum:

Senate Bill 657—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, §18-34-2, §18-34-3, §18-34-4, §18-34-5, §18-34-6, §18-34-7, §18-34-8, §18-34-9, §18-34-10, §18-34-11, §18-34-12, §18-34-13, and §18-34-14, all relating to the Forming Open and Robust University Minds (FORUM) Act; providing for legislative findings regarding the exercise of First Amendment rights on public university campuses in this state as being critical components of the education experience for students; providing for definitions; defining protected expressive activities; defining public forums and prohibiting “free speech zones;” establishing reasonable time, place, and manner restrictions; providing for the freedom of association; developing policies and procedures for the implementation of this article; providing for accountability to the public and remedies for violation of this article; giving immunity and providing for severability; and providing for an effective date.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

By Senator Grady:

Senate Bill 658—A Bill to amend and reenact §7-26-2 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Sheriffs’ Bureau of Professional Standards working with the sheriffs of each county of the state to actively participate in and

utilize all components of the Handle With Care Program to help trauma-inflicted children in the public or private school system.

Referred to the Committee on the Judiciary.

Senator Stollings offered the following resolution:

Senate Concurrent Resolution 28—Requesting the Division of Highways name bridge number 30-003/05-014.73 (30A291), locally known as Kirk Beam Span Bridge, carrying CR 3/5 over WEST FK TWELVEPOLE CK in Mingo County, the “U. S. Army PVT Thomas D. Beckett, Sr., Memorial Bridge”.

Whereas, Thomas D. Beckett, Sr., was born October 14, 1909, in Kirk, Mingo County, West Virginia, to John J. Beckett and Polly Bailey. He lost both of his parents at a young age and began working in the coal mines of southern West Virginia at the age of 14; and

Whereas, On June 18, 1935, Thomas D. Beckett, Sr., married Brookie Dillon in Logan County, West Virginia. Later, they settled in Peach Creek, Logan County. Thomas and his wife were the parents of 11 children.

Whereas, Around 1939, Thomas D. Beckett, Sr., moved his family to Kirk, Mingo County, West Virginia. Their home was located at Mudlick Branch. He continued working in the coal mines for several years. In 1940, Thomas D. Beckett, Sr., was employed by West Virginia Coal & Coke Corporation located in Omar, West Virginia. As a coal miner, he was injured several times; and

Whereas, Thomas D. Beckett, Sr., served in the U.S. Army during World War II. He served in Company D, 27th Medical Training Battalion at Camp Grant, Illinois, and received an honorable discharge on July 18, 1944. After returning home from the U.S. Army, PVT Thomas D. Beckett, Sr., was appointed Postmaster of Kirk, West Virginia, on May 15, 1946. He served in this capacity until the Kirk Post Office was closed on January 27, 1956. In Kirk, PVT Thomas D. Beckett, Sr., also ran a grocery store (Beckett Grocery) which began on the front porch of his home.

Eventually, he built a small building which housed the post office and his store in front of his home at Mudlick Branch. Both Thomas and his wife took care of anyone who needed help in the community, allowing people to purchase groceries on credit and constantly lending a helping hand to his neighbors. He learned to become an auto mechanic at Charley White's Garage at Dingess, West Virginia. He also served as a deacon at Bailey Baptist Church located in Kirk, West Virginia; and

Whereas, Around 1956, PVT Thomas D. Beckett, Sr., moved his family to Dunlow, Wayne County, where he operated another store which was ultimately lost to fire. He then used his auto mechanic training and opened an auto garage and filling station located across the road from his home; and

Whereas, On July 30, 1976, PVT Thomas D. Beckett, Sr., was stuck by a car in front of his home at Dunlow, West Virginia, while walking across Route 152 to his garage. He was taken to Cabell Huntington Hospital where he passed away August 1, 1976, at the age of 66. PVT Thomas D. Beckett, Sr., was the first to be buried on what would become the Beckett Family Cemetery; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army PVT Thomas D. Beckett, Sr., 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 30-003/05-014.73 (30A291), locally known as Kirk Beam Span Bridge, carrying CR 3/5 over WEST FK TWELVEPOLE CK in Mingo County, the "U. S. Army PVT Thomas D. Beckett, Sr., 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 PVT Thomas D. Beckett, Sr., 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.

Senator Weld offered the following resolution:

Senate Resolution 21—Recognizing the anniversary of the tragic accident of the SS Sultana.

Whereas, The explosion of the SS Sultana on April 27, 1865, is considered the worst maritime disaster in American history; and

Whereas, The steamboat Sultana was one of the largest business steamers constructed with a capacity of 376 passengers plus crew members, when it launched from Litherbury Boatyard in Cincinnati, Ohio, on January 3, 1863. During the Civil War, the Sultana was frequently commissioned to carry troops and supplies due to its size and efficiency; and

Whereas, On April 24, 1865, during a stop at Vicksburg, Mississippi, a series of hasty repairs to the Sultana's boilers were made, and nearly 2,000 Union soldiers, who had been recently released from the Confederate prison camps Andersonville and Cahaba, were crowded aboard for the trip north along the Mississippi River; and

Whereas, On April 27, 1865, at 2:00 a.m., the dangerously overloaded Sultana exploded and sank seven miles north of Memphis, Tennessee, in a massive conflagration of fire and flying shrapnel caused by the boat's inadequately repaired boilers as the boat worked to overcome the strong currents of a flooded Mississippi River; and

Whereas, More than 1,100 of the nearly 2,200 passengers aboard lost their lives in the tragedy, including both initial survivors of the explosion who later died from burns, hypothermia, or exposure; and

Whereas, This disaster occurred 12 days following the assassination of President Abraham Lincoln and less than three weeks after the end of the Civil War. It received very little public attention and is scarcely remembered today; and

Whereas, Among the Union soldiers killed in this catastrophic accident, were 10 West Virginians: PVT Anthony Craig, Battery D, 1 WV Light Artillery; PVT William Cruddas, Co. L, 1 WV Cavalry; PVT John Hudson, Co. G, 65 Ohio Infantry, born in Berkeley County, WV; SGT James H. Lyons, Co. B, 6 WV Cavalry; PVT Alexander A. Manners, Co. K, 1 WV Infantry; PVT Thomas McGinnis, Co. F, 15 WV Infantry; PVT John Wesley Steele, Co. C, 5 WV Infantry; PVT Allen Ramsey C. Stephens, Battery D, 1 WV Light Artillery; PVT John D. Weihert, Co. F, 10 WV Infantry; and PVT John Welch, Co. K, 6 WV Cavalry; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the anniversary of the tragic accident of the SS Sultana; and, be it

Further Resolved, That the Senate, on the 156-year anniversary of the tragic accident of the SS Sultana, honors the memory of all soldiers and passengers who lost their lives in this disaster; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Dr. Louis Intres, Director of the Sultana Disaster Museum in Marion, Arkansas.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 27, Walker Brothers Veterans Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Resolution 20, Recognizing Disability Advocacy Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Maroney, 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 the resolution, and on this question, Senator Baldwin demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 20) adopted.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 297, Relating generally to modernizing Board of Treasury Investments.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 297) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 303, Creating Local Government Labor and Consumer Marketing Regulatory Limitation Act.

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 303 pass?”

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Blair (Mr. President)—20.

The nays were: Baldwin, Beach, Caputo, Hamilton, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, Woelfel, and Woodrum—13.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 303) passed.

On motion of Senator Weld, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 303—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 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 areas in which political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement; establishing a civil cause of action which, if proven in a court of competent jurisdiction, may permit a person to obtain injunctive relief or any other appropriate equitable relief against any political subdivision violating the Local Government Labor 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 the act is void; providing that the prohibitions do not apply to employees of a political subdivision; and providing that the prohibitions do not prohibit a political subdivision from complying with the West Virginia Alcohol and Drug-Free Workplace Act or otherwise require similar drug and alcohol policies and testing of a political subdivision's vendors.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill 391, Relating to study of child protective services and foster care workforce.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Senate Bill 391 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 391) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 431, Relating to school attendance notification requirements to DMV.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Azinger and Martin—2.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 431) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 502, Providing lifetime hunting, fishing, and trapping license to residents, adopted, and foster children under 15.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 502) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 502) 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 House Bill 2008, Amending requirements for licensure relating to elevator mechanics, crane operators, HVAC, electricians, and plumbers.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 2008 pass?”

At the request of Senator Plymale, unanimous consent being granted, Senator Plymale addressed the Senate regarding Engrossed Committee Substitute for House Bill 2008.

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Karnes, Martin, Maynard, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—17.

The nays were: Baldwin, Beach, Caputo, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Nelson, Phillips, Plymale, Romano, Stollings, Unger, and Woelfel—16.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2008) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2008—A Bill to repeal §21-3D-4, §21-3D-5, §21-3D-6, §21-3D-7, and §21-3D-9 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §21-3C-14; to amend and reenact §21-3D-1, §21-3D-2, §21-3D-3, and §21-3D-8 of said code; to amend and reenact §21-14-2 and §21-14-7 of said code; to amend and reenact §21-16-2, §21-16-3, §21-16-5, and §21-16-8 of said code; to amend said code by adding thereto a new section, designated §21-16-11; to amend and reenact §29-3B-2, §29-3B-3, §29-3B-4, §29-3B-6, and §29-3B-8 of said code; and to amend and reenact §29-3D-2, §29-3D-3, §29-3D-4, §29-3D-6, and §29-3D-7 of said code, all relating to licensure in this state; providing for state code precedence over local ordinances; providing for a national standard and national certification for crane operators; providing for legislative appropriation of the Crane Operators Certification Fund on a certain date; providing altered definitions of journeyman and master plumber; providing for monetary penalties for improperly performing plumbing work under certain conditions; providing altered definition of HVAC Technician; providing that an applicant for a HVAC technician license may only be required to provide documentation of up to 2,000 hours work, training, and experience; eliminating requirement that HVAC residential technicians furnish evidence of 2,000 hours of experience or training before being allowed to take examination; establishing monetary penalties for improperly performing HVAC work under certain conditions; providing veterans who meet certain conditions are eligible for HVAC technician licensure; providing for altered definitions of journeyman and master electricians; providing exemptions from licensure under certain conditions; providing for extended time frames for electricians to renew a license without retesting; providing for monetary penalties for improperly performing electrical work under certain conditions; providing for definitions of fire protection workers; providing for an altered

definition of journeyman sprinkler fitter; providing exemption from licensure when meeting certain conditions; establishing monetary penalties for improperly performing fire protection work; and making other minor technical changes.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2013, Relating to the Hope Scholarship Program.

On third reading, coming up in regular order, was read a third time and put upon its passage.

(Senator Weld in the Chair.)

Pending extended discussion,

Senator Trump arose to a point of order stating that debate had digressed to a personal nature rather than the merits of the bill.

Which point of order, the Chair ruled well taken.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 2013 pass?”

Senator Roberts requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senator Roberts would be as a member of a class of persons and that he would be required to vote.

(Senator Blair, Mr. President, in the Chair.)

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Karnes, Maroney, Martin, Maynard, Phillips,

Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—20.

The nays were: Baldwin, Beach, Caputo, Hamilton, Ihlenfeld, Jeffries, Lindsay, Nelson, Plymale, Romano, Stollings, Unger, and Woelfel—13.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2013) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 2616, Amend the reporting to the Governor and the Legislature to have information continuously available on the Office of Health Facility Licensure and Certification's website.

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 House Bill 2616 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2616) 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 562, Relating to juvenile competency proceedings.

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 566, Relating to interpretations of school laws.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill 2372, Allow pre-candidacy papers to be filed the day after the general election.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 3. ELECTIONS.

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-5e. Pre-candidacy financing and expenditures.

(a) Notwithstanding any other provisions of this code, it is lawful for a person, otherwise qualified to be a candidate for any

public office or position to be determined by public election, to receive contributions or make expenditures, or both personally or by another individual acting as a treasurer, to determine the advisability of becoming such a candidate or preparing to be such a candidate: *Provided*, That an individual may file his or her pre-candidacy papers, and may receive contributions and make expenditures related thereto, beginning on the day after the general election is held for the term of office immediately preceding the term of office for which the person may become a candidate, if such term of office is four years or less: *Provided, however*, That such pre-candidacy papers may be filed, such contributions may be received, and such expenditures may be made only during the four years immediately preceding the term of office for which such person may be a candidate or during the term of office immediately preceding the term for which such person may be a candidate, whichever is less, if such term of office is more than four years: *Provided, however, further*, That no person is disqualified from receiving contributions or making expenditures as permitted under the provisions of this section solely because such person then holds a public office or position.

(b) Any person undertaking to determine the advisability of becoming or preparing to be a candidate, who desires to receive contributions before filing a certificate of candidacy, shall designate himself or another individual to act as a treasurer and shall file a designation of treasurer in the manner provided in §3-8-4 of this code before receiving any contributions permitted by this section. Any expenditures made before the filing of a designation of treasurer shall be reported in accordance with the provisions of §3-8-5 of this code regardless of the source of funds used for such expenditures.

(c) A person who receives a contribution who is acting for and by himself or herself or as treasurer or agent for another pursuant to the provisions of this section shall keep detailed accounts of every sum of money or other thing of value received by him or her, and of all expenditures and disbursements made, and liabilities incurred, in the same manner as such accounts are required by §3-8-5 of this code.

(d) Regardless of whether such person becomes a candidate as originally intended, becomes a candidate for some office other than the office or position originally intended, or does not become a candidate, all limits on campaign contributions and campaign expenditures applicable to the candidacy of or advocacy of the candidacy of such person for the office he or she actually seeks shall be applicable to and inclusive of the receipts had and expenditures made during such pre-candidacy period as well as after the person becomes a candidate.

The bill (Eng. Com. Sub. for H. B. 2372), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2682, Relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Azinger, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 12. INSURANCE PRODUCERS AND SOLICITORS.

§33-12-8. Continuing education required.

The purpose of this ~~provision~~ section is to provide continuing education requirements under guidelines set up under the Insurance Commissioner's office ~~with the guidelines to be set up under in conjunction with the board~~ Board of Insurance Agent Education.

(a) This section applies to individual insurance producers licensed to engage in the sale of the following types of insurance:

(1) Life. — Life insurance coverage on human lives, including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income;

(2) Accident and health or sickness. — Insurance coverage for sickness, bodily injury, or accidental death and may include benefits for disability income;

(3) Property. — Property insurance coverage for the direct or consequential loss or damage to property of every kind;

(4) Casualty. — Insurance coverage against legal liability, including that for death, injury, or disability or damage to real or personal property;

(5) Variable life and variable annuity products. — Insurance coverage provided under variable life insurance contracts and variable annuities;

(6) Personal lines. — Property and casualty insurance coverage sold to individuals and families for primarily noncommercial purposes; and

(7) Any other line of insurance permitted under state laws or regulations.

(b) This section does not apply to:

(1) Individual insurance producers holding limited line credit insurance licenses for any kind or kinds of insurance offered in connection with loans or other credit transactions or insurance for which an examination is not required by the commissioner, nor does it apply to any limited or restricted license as the commissioner may exempt; and

(2) Individual insurance producers selling credit life or credit accident and health insurance.

(c)(1) The Board of Insurance Agent Education as established by ~~section seven of this article §33-12-7 of this code~~ shall develop a program of continuing insurance education and submit the proposal for the approval of the commissioner on or before ~~the thirty first day of December of each year~~ December 31 of each year. No program may be approved by the commissioner that includes a requirement that any individual insurance producer complete more than 24 hours of continuing insurance education biennially. No program may be approved by the commissioner that includes a requirement that any of the following individual insurance producers complete more than six hours of continuing insurance education biennially:

(A) Individual insurance producers who sell only preneed burial insurance contracts; and

(B) Individual insurance producers who engage solely in telemarketing insurance products by a scripted presentation which scripted presentation has been filed with and approved by the commissioner.

(C) The biennium mandatory continuing insurance education provisions of this section become effective on the reporting period beginning ~~the first day of July, two thousand six~~ July 1, 2006.

(2) The commissioner and the board, under standards established by the board, may approve any course or program of instruction developed or sponsored by an authorized insurer, accredited college or university, agents' association, insurance trade association, or independent program of instruction that presents the criteria and the number of hours that the board and commissioner determine appropriate for the purpose of this section.

(d) Individual insurance producers licensed to sell insurance and who are not otherwise exempt shall satisfactorily complete the courses or programs of instructions the commissioner may prescribe.

(e) Every individual insurance producer subject to the continuing education requirements shall furnish, at intervals and on forms as may be prescribed by the commissioner, written certification listing the courses, programs, or seminars of instruction successfully completed by the person. The certification shall be executed by, or on behalf of, the organization sponsoring the courses, programs, or seminars of instruction.

(f) Subject to the approval by the commissioner, the active annual membership by an individual insurance producer in an organization or association recognized and approved by the commissioner as a state, regional, or national professional insurance organization or association may be approved by the commissioner for up to two hours of continuing insurance education: *Provided*, That not more than two hours of continuing insurance education may be awarded to an individual insurance producer for membership in a professional insurance organization during a biennial reporting period. Credit for continuing insurance education pursuant to this subdivision may only be awarded to individual insurance producers who are required to complete more than six hours of continuing education biennially.

(g) Individual insurance producers who are required to complete more than six hours of continuing education biennially and who exceed the minimum continuing education requirement for the biennial reporting period may carry-over a maximum of six credit hours only into the next reporting period.

(h) Any individual insurance producer failing to meet the requirements mandated in this section and who has not been granted an extension of time, with respect to the requirements, or who has submitted to the commissioner a false or fraudulent certificate of compliance shall have his or her license automatically suspended and no further license may be issued to the person for any kind or kinds of insurance until the person demonstrates to the satisfaction of the commissioner that he or she has complied with all of the requirements mandated by this section and all other applicable laws or rules.

(i) The commissioner shall notify the individual insurance producer of his or her suspension pursuant to §33-12-8(h) of this code by certified electronic mail return receipt requested or regular mail, if requested, to the last address respective address on file with the commissioner pursuant to subsection (e), section nine of this article §33-12-9(f) of this code. Any individual insurance producer who has had a suspension ~~order~~ notice entered against him or her pursuant to this section may, within 30 calendar days of receipt of the ~~order~~ notice, file with the commissioner a request for a hearing for reconsideration of the matter.

(j) Any individual insurance producer who does not satisfactorily demonstrate compliance with this section and all other laws applicable thereto as of the last day of the biennium following his or her suspension shall have his or her license automatically canceled and is subject to the education and examination requirements of ~~section five of this article~~ §33-12-5 of this code.

(k) The commissioner is authorized to hire personnel and make reasonable expenditures considered necessary for purposes of establishing and maintaining a system of continuing education for insurers. The commissioner shall charge a fee of \$25 to continuing education providers for each continuing education course submitted for approval which shall be used to maintain the continuing education system. The commissioner may, at his or her discretion, designate an outside administrator to provide all of or part of the administrative duties of the continuing education system subject to direction and approval by the commissioner. The fees charged by the outside administrator shall be paid by the continuing education providers. In addition to fees charged by the outside administrator, the outside administrator shall collect and remit to the commissioner the \$25 course submission fee.

§33-12-9. Issuance of license.

(a) Unless denied licensure pursuant to ~~article twenty-four of this chapter~~ §33-12-24 of this code, individuals who have met the requirements of ~~articles five and six of this chapter~~ §33-12-5 and

§33-12-6 of this code shall be issued an insurance producer license. An insurance producer may receive qualification for a license in one or more of the following lines of authority:

(1) Life insurance coverage on human lives including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income;

(2) Accident and health or sickness. — Insurance coverage for sickness, bodily injury, or accidental death and may include benefits for disability income;

(3) Property insurance coverage for the direct or consequential loss or damage to property of every kind;

(4) Casualty. — Insurance coverage against legal liability, including that for death, injury, or disability or damage to real or personal property;

(5) Variable life and variable annuity products. — Insurance coverage provided under variable life insurance contracts and variable annuities;

(6) Personal lines. — Property and casualty insurance coverage sold to individuals and families for primarily noncommercial purposes;

(7) Credit. — Limited line credit insurance; or

(8) Any other line of insurance permitted under state laws or regulations.

(b) An insurance producer license shall remain in effect unless revoked or suspended as long as the fee set forth in ~~section thirteen, article three of this chapter~~ §33-3-13 of this code is paid and education requirements for resident individual producers are met by the due date.

(c) An individual insurance producer who allows his or her license to lapse may, within 12 months from the due date of the renewal fee, reinstate the same license without the necessity of passing a written examination. However, a penalty in the amount of double the unpaid renewal fee shall be required for any renewal fee received after the due date.

(d) An individual licensed insurance producer who is unable to comply with license renewal procedures due to military service or some other extenuating circumstance (e.g., a long-term medical disability) may request a waiver of those procedures. The producer may also request a waiver of any examination requirement or any other fine or sanction imposed for failure to comply with renewal procedures.

(e) The license shall contain the licensee's name, address, personal identification number, and the date of issuance, the lines of authority, the expiration date, and any other information the Insurance Commissioner considers necessary.

~~(f) Licensees shall inform the Insurance Commissioner by any means acceptable to the Insurance Commissioner of a change of address or residency within 30 days of the change. At the time of application for licensure, the applicant shall inform the Insurance Commissioner of the applicant's full name, physical and mailing address, if different, and electronic mail address. Each agent, insurance agency, solicitor, or service representative that is licensed on July 1, 2021, shall provide the Insurance Commissioner with the licensee's electronic mail address in connection with the next license renewal application of the respective licensee. If a change occurs to the licensee's name, physical address, mailing address, or electronic mail address after licensure, the licensee shall inform the Insurance Commissioner by any means acceptable to the Insurance Commissioner of the updated contact information within 30 days of the change. Failure to timely inform the Insurance Commissioner of a change in legal name, residency, or mailing address, or electronic mail address may result in a penalty pursuant to section twenty four of this article §33-12-24 of this code. The commissioner shall maintain the mailing address of~~

information provided pursuant to this subsection for each agent, insurance agency, solicitor, and service representative on file.

(g) In order to assist in the performance of the Insurance Commissioner's duties, the Insurance Commissioner may contract with nongovernmental entities, including the ~~national association~~ National Association of Insurance ~~Commissioner~~ Commissioners (NAIC) or any affiliates or subsidiaries that the NAIC oversees, to perform any ministerial functions, including the collection of fees, related to producer licensing that the Insurance Commissioner and the nongovernmental entity may consider appropriate.

ARTICLE 12B. ADJUSTERS.

§33-12B-13. Continuing education.

(a) The purpose of this section is to provide continuing education requirements for individual adjusters under guidelines established by the commissioner's office in conjunction with the Board of Insurance Agent Education as provided in §33-12-7 of this code.

(b) This section applies to company adjusters, independent adjusters, and public adjusters licensed pursuant to §33-12B-2 of this code.

(c) This section shall not apply to:

(1) Licensees not licensed for one full year prior to the end of the applicable continuing education biennium; or

(2) Licensees holding nonresident adjuster licenses who have met substantially similar continuing education requirements of their designated home state and whose home state gives credit to residents of this state on the same basis.

(d)(1) The Board of Insurance Agent Education as established by §33-12-7 of this code shall develop a program of continuing education for adjusters and submit the proposal for the approval of the commissioner on or before December 31 of each year. No

program may be approved by the commissioner that includes a requirement that any individual adjuster complete more than 24 hours of continuing insurance education biennially.

(2) The biennium mandatory continuing education provisions of this section become effective on the reporting period beginning July 1, 2021.

(3) The commissioner and the Board of Insurance Agent Education, under standards established by the board, may approve any course or program of instruction developed or sponsored by an authorized insurer, accredited college or university, adjusters' association, insurance trade association, or independent program of instruction that presents the criteria and the number of hours that the board and commissioner determine appropriate for the purpose of this section.

(e) An individual who holds an adjuster license and who is not exempt shall satisfactorily complete a minimum of 24 hours of continuing education courses, of which three hours must be in ethics, reported to the commissioner on a biennial basis in conjunction with their license renewal cycle.

(f) Every individual adjuster subject to the continuing education requirements shall furnish, at intervals and on forms as may be proposed by the commissioner, written certification listing the courses, programs, or seminars of instruction successfully completed by the adjuster. The certification shall be executed by, or on behalf of, the organization sponsoring the courses, programs, or seminars of instruction.

(g) Subject to the approval of the commissioner, the active annual membership by an adjuster in an organization or association recognized and approved by the commissioner as a state, regional, or national professional insurance organization or association may be approved by the commissioner for up to two hours of continuing insurance education: *Provided*, That not more than two hours of continuing education may be awarded to an adjuster for

membership in a professional insurance organization during a biennial reporting period.

(h) Adjusters who exceed the minimum continuing education requirement for the biennial reporting period may carry over a maximum of six credit hours only into the next reporting period.

(i) Any individual adjuster failing to meet the requirements mandated in this section and who has not been granted an extension of time with respect to the requirements, or who has submitted to the commissioner a false or fraudulent certificate of compliance, shall have his or her license automatically suspended and no further license may be issued to the person until the person demonstrates to the satisfaction of the commissioner that he or she has complied with all of the requirements mandated by this section and all other applicable laws or rules.

(j) The commissioner shall notify the individual adjuster of his or her suspension pursuant to §33-12B-13(i) of this code by ~~certified electronic mail return receipt requested or regular mail, if requested,~~ to the last ~~address~~ respective address on file with the commissioner pursuant to ~~§33-12B-2(b)~~ §33-12B-14(a) of this code. Any individual insurance adjuster who has had a suspension ~~order~~ notice entered against him or her pursuant to this section may, within 30 calendar days of receipt of the ~~order~~ notice, file with the commissioner a request for a hearing for reconsideration of the matter.

(k) Any individual adjuster who does not satisfactorily demonstrate compliance with this section and all other laws applicable thereto as of the last day of the biennium following his or her suspension shall have his or her license automatically terminated and is subject to the licensing and examination requirements of §33-12B-5 of this code.

(l) The commissioner is authorized to hire personnel and make reasonable expenditures considered necessary for purposes of establishing and maintaining a system of continuing education for adjusters. The commissioner shall charge a fee of \$25 to continuing

education providers for each continuing education course submitted for approval which shall be used to maintain the continuing education system. The commissioner may, at his or her discretion, designate an outside administrator to provide all of or part of the administrative duties of the continuing education system subject to direction and approval by the commissioner. The fees charged by the outside administrator shall be paid by the continuing education providers. In addition to fees charged by the outside administrator, the outside administrator shall collect and remit to the commissioner the \$25 course submission fee.

§33-12B-14. Current address of adjusters to be filed; effective notice of appearance at hearing before commissioner.

(a) Each adjuster shall file with the commissioner the complete address of his principal place of business and the complete address of his residence including the name and number of the street, or if the street where the business is located is not numbered, the number of the post office box. An adjuster shall also file with the commissioner the adjuster's electronic mail address. An adjuster licensed on July 1, 2021, shall provide the commissioner with the licensee's electronic mail address in connection with the licensee's next license renewal application. Within 30 days of a change of business or residence address or electronic mail address by an adjuster, the adjuster must file with the commissioner notice of such change of address. The commissioner shall maintain the information provided pursuant to this subsection for each adjuster on file.

(b) When conducting any hearing authorized by ~~section thirteen, article two of this chapter~~ §33-2-13 of this code which concerns any adjuster, the commissioner shall give notice of such hearing and the matters to be determined therein to such adjuster by certified mail, return receipt requested, sent to the last address filed by such person or entity pursuant to this section.

(c) If an adjuster fails to appear at such hearing, the hearing may proceed, at which time the commissioner shall establish that notice was sent to such person pursuant to this section prior to the

entry of any orders adverse to the interests of such adjuster based upon the allegations against such person which were set forth in the notice of hearing. Certified copies of all orders entered by the commissioner shall be sent to the person affected therein by certified mail, return receipt requested, at the last address filed by such person with the ~~division~~ commissioner.

(d) An adjuster who fails to appear at a hearing of which notice has been provided pursuant to this section, and who has had an adverse order entered by the commissioner against them as a result of their failure to so appear may, within 30 calendar days of the entry of such adverse order, file with the commissioner a written verified appeal with any relevant documents attached thereto, which demonstrates good and reasonable cause for the adjuster's failure to appear, and may request reconsideration of the matter and a new hearing. The commissioner in his or her discretion, and upon a finding that the adjuster has shown good and reasonable cause for his or her failure to appear, shall issue an order that the previous order be rescinded, that the matter be reconsidered, and that a new hearing be set.

(e) Orders entered pursuant to this section are subject to the judicial review provisions of §33-2-14 of this code.

The bill (Eng. Com. Sub. for H. B. 2682), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

Com. Sub. for Senate Bill 422, Establishing common law “veil piercing” claims not be used to impose personal liability.

Senate Bill 531, Relating to incomplete, duplicative, or redundant claims for refund.

Senate Bill 532, Limiting claims for state tax credits and rebates.

Com. Sub. for Senate Bill 626, Updating regulation for purchase of automobile catalytic converters.

Eng. House Bill 2709, Providing that the aggregate liability of a surety on a consumer protection bond under the West Virginia Fintech Regulatory Sandbox Program does not exceed the principal sum of the bond.

And,

Eng. House Bill 2764, Allow the Division of Financial Institutions to enter into reciprocity agreements with other jurisdictions that operate similar programs to the West Virginia Fintech Sandbox Program.

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 Lindsay.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on March 16, 2021:

Com. Sub. for Senate Bill 335: Senator Hamilton;

Senate Bill 378: Senator Hamilton;

Senate Bill 458: Senator Rucker;

Senate Bill 480: Senator Woelfel;

Senate Bill 484: Senator Hamilton;

Senate Bill 615: Senator Hamilton;

Senate Bill 626: Senators Romano, Baldwin, and Lindsay;

Senate Bill 636: Senator Stollings;

Senate Bill 641: Senator Hamilton;

Senate Joint Resolution 10: Senator Rucker;

Com. Sub. for Senate Joint Resolution 11: Senator Romano;

Senate Concurrent Resolution 24: Senator Romano;

Senate Concurrent Resolution 27: Senators Stollings and Beach;

And,

Senate Resolution 20: Senators Lindsay, Beach, Romano, Woelfel, Plymale, Baldwin, Roberts, Hamilton, Caputo, Stollings, and Rucker.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 1:42 p.m., the Senate adjourned until tomorrow, Thursday, March 18, 2021, at 11 a.m.

THURSDAY, MARCH 18, 2021

The Senate met at 11:01 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Rollan A. Roberts, a senator from the ninth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Bill Hamilton, a senator from the eleventh district.

Pending the reading of the Journal of Wednesday, March 17, 2021,

At the request of Senator Tarr, 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 amendment by that body to the title of the bill, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill 404, Modifying well work permits issued by DEP Office of Oil and Gas.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the title of the bill was reported by the Clerk:

Eng. Senate Bill 404—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-6A-7a, relating to applications for modifications of well permits under the natural gas horizontal well control act; providing for an application fee of \$2500 to modify an existing permit issued by the Department of Environmental Protection's Office of Oil and Gas; and providing that the secretary may allow and deny said modification applications and may create forms.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Senate Bill 404, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Romano and Stover—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 404) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2006, Relating to the West Virginia Contractor Licensing Act.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2400—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Transportation to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative

Rule-Making Review Committee; authorizing the Division of Highways to promulgate a legislative rule relating to traffic and safety rules; relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to examination and issuance of driver's license; relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to denial, suspension, revocation, disqualification, restriction, non-renewal, cancellation, administrative appeals and reinstatement of driving privileges; relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to compulsory motor vehicle liability insurance, and relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to special purpose vehicles.

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 2794—A Bill to amend and reenact §11-13J-12 of the Code of West Virginia, 1931, as amended, all relating to extending the duration of the Neighborhood Investment Program until July 1, 2026.

Referred to the Committee on Finance.

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 2817—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §60B-1-1, §60B-1-2, §60B-1-3, §60B-1-4, §60B-1-5, §60B-1-6, §60B-1-7, and §60B-1-8, all relating to creating the Donated Drug Repository Program; establishing the West Virginia Board of Pharmacy has the authority to administer the program; setting forth eligible drugs and eligible recipients; establishing how the drugs are to be received, handled, stored,

dispensed, distributed, and disposed of; permitting a handling fee; defining terms; and requiring rule-making.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

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 3078—A Bill to amend and reenact §62-12-13 of the Code of West Virginia, 1931, as amended, relating to the powers and duties of the parole board, the procedure for granting parole and the conditions of reason on parole.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 3081—A Bill to amend and reenact §31D-7-708 of the Code of West Virginia, 1931, as amended; and to amend and reenact §31E-7-708 of said code, all relating to remote communications for shareholder meetings; amending the West Virginia Business Corporation Act and the West Virginia Nonprofit Corporation Act; authorizing corporations to conduct shareholder meetings by remote communication; requiring shareholder meetings by remote communications be subject to guidelines and procedures; providing the board of directors the authority to set a shareholder meeting by remote communication; authorizing nonprofit corporations to conduct member meetings by remote communication; requiring member meetings by remote communications be subject to guidelines and procedures; and providing the board of directors the authority to set a member meeting by remote communication and making the amendments effective upon passage.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 3128—A Bill to amend §24-6-6b of the Code of West Virginia, 1931, as amended, relating to basing the carrier fee on 911 fee revenue only; clarifying that payments to counties are based on net 911 fee revenues received by the Commission; and requiring the public safety fee to be shown as two separate line items on a customer's bill.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

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 3133—A Bill to amend and reenact §24A-5-2 of the Code of West Virginia, 1931, as amended, and to amend and reenact §24A-2-5 of said Code; all relating to restoring language to the code setting forth the process to change rates for motor carriers that was inadvertently deleted and replaced; and to correct an erroneous exclusion to include the appropriate language relating to transfer of certificate.

Referred to the Committee on Government Organization.

The Senate proceeded to the fourth order of business.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 395, Expanding PEIA Finance Board membership.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 395 (originating in the Committee on Finance)—A Bill to amend and reenact §5-16-4 of the Code of West Virginia, 1931, as amended, relating to expanding the membership of the Public Employees Insurance Agency Finance Board; providing for qualifications of newly appointed members; defining terms; and making technical corrections.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 398, Limiting eligibility of certain employers to participate in PEIA plans.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 478, Permitting use of established federal marketplace programs to purchase supplies.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 478 (originating in the Committee on Military)—A Bill to amend and reenact §15-1J-4 of the Code of West Virginia, 1931, as amended, relating to permitting the use of established federal or state contracts.

And,

Senate Bill 479, Relating to WV veterans service decoration and WV Service Cross.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 479 (originating in the Committee on Military)—A Bill to repeal §15-1G-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §9A-1-16, relating to the West Virginia veterans service decoration and West Virginia Service Cross.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Ryan W. Weld,
Chair.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 554, Creating WV Motorsports Entertainment Complex Investment Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 554 (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, §11-29-3, §11-29-4, and §11-29-5, all relating to creating the West Virginia Motorsports Entertainment Complex Investment Act; providing legislative findings; providing definitions; creating a tax exemption; and providing for an effective date.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Chandler Swope,
Chair.

The bill (Com. Sub. for S. B. 554), under the original double committee reference, was then referred to the Committee on Finance.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 586, Providing WV veterans 50 percent off fees and charges at state parks.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 586 (originating in the Committee on Military)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-23, relating to the development of an incentive plan for West Virginia

veterans which includes reductions and discounts in fees and charges at state parks.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Ryan W. Weld,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Military.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Concurrent Resolution 20, Supporting and celebrating centennial anniversary of Jones Act.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Ryan W. Weld,
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

Eng. House Bill 2905, Relating to repealing the prohibition against the use of certain words.

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:

By Senators Boley, Clements, Grady, Maroney, Maynard, Phillips, Roberts, Rucker, Smith, Stover, Sypolt, Takubo, and Weld:

Senate Bill 659—A Bill to amend and reenact §33-15A-6 of the Code of West Virginia, 1931, as amended, relating to prohibiting long-term care insurance providers from increasing premiums to existing customers beyond the current rate at which long-term care insurance rates are set.

Referred to the Committee on Banking and Insurance.

By Senator Weld:

Senate Bill 660—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-10-7, relating to providing for cooperation between law-enforcement agencies and military authorities.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 661—A Bill to repeal §11-9-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-3, §11-15-4, §11-15-4a, §11-15-4b, and §11-15-13 of said code; and to amend and reenact §11-15A-5, §11-15A-6, and §11-15A-8 of said

code, all relating to permitting retailers to assume or absorb any sales or use tax assessed on tangible personal property.

Referred to the Committee on Finance.

By Senator Nelson:

Senate Bill 662—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exemptions from personal income tax; providing for an exemption for members of certain uniformed services; exempting Social Security benefits from personal income tax; clarifying that tier one railroad retirement benefits are not subject to personal income tax; specifying an effective date; and removing obsolete language.

Referred to the Committee on Finance.

By Senator Swope:

Senate Bill 663—A Bill to amend and reenact §50-3-2 of the Code of West Virginia, 1931, as amended, relating to providing for a fee for the processing of criminal bonds.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senator Maynard:

Senate Bill 664—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-1-25, relating to the establishment of a public easement by prescription on private property; providing that the failure of noticed owners to limit or condition use of the road or path for a continuous period of 20 years may create a public easement; providing for circuit court petition and designation of public easements; providing conditions for granting easement by a court; defining terms, and providing for effective date.

Referred to the Committee on the Judiciary.

By Senator Hamilton:

Senate Bill 665—A Bill to amend and reenact §17C-15-44 of the Code of West Virginia, 1931, as amended, relating to allowing

individuals to ride without helmets on motorcycles while participating in parades or ceremonial displays.

Referred to the Committee on Transportation and Infrastructure.

By Senator Azinger:

Senate Bill 666—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, §18-34-2, §18-34-3, §18-34-4, and §18-34-5, all relating to the creation of the Student Journalist Press Freedom Restoration Act; providing for legislative findings; requiring that the West Virginia Department of Education and the West Virginia Higher Education Policy Commission allow for the free expression of student journalists on campuses of middle schools, high schools, and colleges and universities; providing a framework and parameters for free expression; and allowing for civil actions in the event that this article is violated.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

By Senator Nelson:

Senate Bill 667—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-15D-1, §31-15D-2, §31-15D-3, §31-15D-4, §31-15D-5, §31-15D-6, and §31-15D-7; and to amend said code by adding thereto a new section, designated §33-3-14e, all relating to establishing a West Virginia business growth in low-income communities tax credit; providing title; defining terms; establishing amount of credit allowed; transferability; certification of qualified equity investment; recapture of tax credits; notice of noncompliance; letter rulings; new capital requirement; and reporting.

Referred to the Committee on Finance.

Senators Romano and Martin offered the following resolution:

Senate Concurrent Resolution 29—Requesting the Division of Highways name bridge number 17-098/00-004.06 (17A348),

locally known as V.A. Hospital Bridge, carrying WV 98 over Fitness Trail in Harrison County, the “U.S.M.C. CPL Harry Edward Dean Jr., Memorial Bridge”.

Whereas, Harry Edward Dean, Jr., was educated during the era of the polio pandemic and received his degree in physical therapy in 1950, after being interrupted for his service in the U.S.M.C. during WW II. He served in the Pacific during WW II with combat tours in Okinawa, the Ryukyu Islands, and occupied China; and

Whereas, CPL Harry Edward Dean Jr., was one of the state’s first physical therapists, advocate, and friend for thousands of West Virginia children with disabilities. He held a full-time job at the VA Medical Center in Clarksburg, West Virginia, while treating disabled children in his spare time, teaming with the Clarksburg Rotary Club to launch the Children’s Treatment Center in 1955; and

Whereas, CPL Harry Edward Dean Jr., while continuing his treatment of children with disabilities, was the first licensed physical therapist to open the St. Mary’s Hospital Physical Therapy Department and, as the head physical therapist, he became the executive director of the Easter Seal Society in 1971; and

Whereas, CPL Harry Edward Dean Jr., began a two-week summer camping program in 1971 for children with disabilities at Camp Horseshoe, Parsons, West Virginia. He mentored medical school students who served as counselors year after year, out of respect for his selfless passion, and in turn becoming life-long friends, inspiring dozens with the same selfless passion; and

Whereas, No fees were ever charged for any of the services provided at the Children’s Treatment Center during the time CPL Harry Edward Dean Jr., was director because he and others raised the needed funds through private and corporate donations, grants, and trusts. He always said he was richly rewarded with the success of the children with disabilities he treated and gratitude of their families; and

Whereas, CPL Harry Edward Dean Jr., was a member of the American Physical Therapy Association and the West Virginia Physical Therapy Association, and was awarded the West Virginia Physical Therapy Pioneer Award in 2007; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S.M.C. CPL Harry Edward Dean Jr., 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 17-098/00-004.06 (17A348), locally known as V.A. Hospital Bridge, carrying WV 98 over Fitness Trail in Harrison County, the “U.S.M.C. CPL Harry Edward Dean Jr., 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.M.C. CPL Harry Edward Dean 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 Nelson, Grady, and Takubo offered the following resolution:

Senate Concurrent Resolution 30—Requesting the Division of Highways name bridge number 11492, marker 19.01, locally known as Twin Bridges on U.S. Rt. 35 in Buffalo, Putnam County, the “William Gregory ‘Greg’ White, P.E., Memorial Bridge”.

Whereas, William Gregory “Greg” White, P.E., was born February 21, 1959, in Charleston, the son of Maralu White Craven and William Clifford White; and

Whereas, William Gregory “Greg” White, P.E., was a 1977 graduate of Parkersburg South High School and continued his education at West Virginia Tech, where he received a bachelor’s degree in civil engineering; and

Whereas, William Gregory “Greg” White, P.E., loved his work as a licensed professional civil engineer and owned his own business, White Brothers Consulting, a partnership he shared with his brother Tim; and

Whereas, Some of the projects William Gregory “Greg” White, P.E., was involved in as a structural engineer for the design and detail of various bridges include, but are not limited to: The Wolfe Valley Girder Bridge in Mason County; the East Fork Beam Span Bridge in Mingo County; the Buzzard Creek Bridge in Putnam County; the Capehart Bridge in Mason County; the Central Station Bridge in Doddridge County; the Monongahela River Bridge and Approaches in Marion County; the I-40 Widening Project in North Little Rock, Arkansas; the Sam Houston Tollway Widening in Houston, Texas; the Witcher Creek Bridge in Kanawha County; the Virginia Hybrid Energy Center in Virginia City, Virginia; two of the West Virginia Turnpike bridges over U.S. Rt. 60 in Kanawha County; the Upper Sleith Fork Bridge in Braxton County; the South Branch Potomac Bridge in Hardy County; and the Gypsy Bridge in Harrison County; and

Whereas, William Gregory “Greg” White, P.E., was an avid supporter of local youth soccer leagues and the Ripley High School marching band; and

Whereas, William Gregory “Greg” White, P.E., was also an ordained deacon at Witcher Baptist Church in Belle, West Virginia, and a member of the West Ripley Baptist Church; and

Whereas, Sadly, William Gregory “Greg” White, P.E., passed away on Sunday, December 16, 2018; and

Whereas, The bridge being named in honor of William Gregory “Greg” White, P.E., was the last one that he designed and stamped with his license before he passed away; and

Whereas, It is fitting that an enduring memorial be established to commemorate William Gregory “Greg” White, P.E., 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 11492, marker 19.01, locally known as Twin Bridges on U.S. Rt. 35 in Buffalo, Putnam County, the “William Gregory ‘Greg’ White, P.E., 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 Gregory “Greg” White, P.E, 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 and Martin offered the following resolution:

Senate Concurrent Resolution 31—Requesting the Division of Highways name bridge number 17-034/00-000.01 (17A296), locally known as Laurel Park Truss, carrying CR 34 over West Fork River in Harrison County, the “Frye Brothers Memorial Bridge”.

Whereas, Three of the four Frye brothers served in World War II, with one brother killed in action; and

Whereas, Their father was killed in coal mining accident, forcing their mother to send them to group homes until she found a job and was able to support her four boys and two girls, all under the age of 12; and

Whereas, The oldest Frye brother, Thomas, was not allowed to enlist because he worked in the defense industry and would have

been his widowed mother's sole source of support if his younger brothers were killed; and

Whereas, Kermit C. Frye was drafted in 1940 and served as U.S. Navy Seaman Second Class; and

Whereas, Kermit C. Frye was killed in action with his body "lost at sea" after the East Indian motor merchant ship was torpedoed and sunk off the Coast of South Africa on November 3, 1942; and

Whereas, Kermit C. Frye was awarded a posthumous Purple Heart and memorialized with a cross at the North Africa American Cemetery in Carthage, Tunisia; and

Whereas, Richard G. Frye was drafted in 1942 and served as U.S. Army Private First Class, fighting in both the Africa and Germany combat campaigns; and

Whereas, Harold Q. Frye, known as "Red", due to the color of his hair, was drafted in 1942 and served as a Private First Class cannoneer in the 119th Field Artillery Division of the 9th Army; and

Whereas, Harold Q. Frye jumped into the icy waters off Normandy, surrounded by the bodies of dead comrades, making it safely to shore despite carrying a 90-pound pack and having a severe asthma attack, while fellow soldier Dale Crim shouted, "Swim, Frye! Swim, damn it". Dale Crim later told Frye's daughter that the experience was so haunting that many soldiers never talked about it, but he wanted her to know how brave her father was and how they encouraged each other to survive; and

Whereas, Harold Q. Frye operated a "long Tom" gun during the Battle of the Bulge, with a commendation from the XIX Corps Artillery headquarters for helping to protect aircraft, armor, and infantry as they made their rapid run through Germany in pursuit of enemy troops; and

Whereas, Harold Q. Frye received an additional commendation from Lieutenant General W. H. Simpson for taking part in that six-week bloody battle where approximately 19,000 American troops were killed before the crushing defeat of the German Army was completed; and

Whereas, Harold Q. Frye returned to Clarksburg after the war and served as a nursing assistant at the Veterans Hospital for more than 20 years, where he was recognized for saving the life of a patient who became choked on a piece of meat; and

Whereas, Harold Q. Frye retired after he was injured during an attack by a patient in the VA Psychiatric Unit; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Frye brothers for their 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 17-034/00-000.01 (17A296), locally known as Laurel Park Truss, carrying CR 34 over West Fork River in Harrison County, the “Frye Brothers 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 “Frye Brothers 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, Martin, and Caputo offered the following resolution:

Senate Concurrent Resolution 32—Requesting the Division of Highways name bridge number 2488 East/West (17A187,

17A189), locally known as the Log Cabin Bridge in Harrison County, the “Cox Brothers Veteran Memorial Bridge”.

Whereas, The Cox family demonstrated their utmost patriotism for the United States with 11 of 15 brothers, in a family of 21 children, serving in the U.S. military, including seven brothers who served during WWII; and

Whereas, Vaughn Cox was with the 101st Airborne, serving as a paratrooper on D-Day. After being shot several times before he hit the ground, Vaughn Cox was picked up by burial crews who discovered that he was still alive. He recovered and returned home with a glass eye, having earned three Purple Hearts; and

Whereas, Glenn Cox was stationed with the U.S. Navy on Ocracoke Island at a “top secret” amphibious training base. There, he operated from the “loop shack” to track Nazi U-Boats. At the end of the war, Glenn Cox had the honor of transcribing the radio code message announcing the end of WW II to his fellow sailors; and

Whereas, Edward Cox fought during the battles for Guadalcanal and the Southern Philippines during WW II. He reenlisted and served in the Korean War, garnering multiple honors including medals for the Asiatic-Pacific Theater Campaign with two-bronze stars, Philippine Liberation Ribbon with one-bronze star, and the Army of Occupation Medal, Korea; and

Whereas, Paul Loutrell Cox was a U.S. Marine, PFC-6, during WW II, serving in the Central Pacific; and

Whereas, Carlos Walter Cox was a Staff Sergeant in the U.S. Army and served in Northern France and the Rhineland during WW II, earning multiple service ribbons for valor and bravery; and

Whereas, Calvin Leco Cox served his country in the U.S. Army as Private First Class-Ordinance in Walla Walla, Washington; and

Whereas, A half-brother to the Cox brothers, Kenneth Bickerstaff, served in the U.S. Army, and was stationed in

Australia during WW II, helping to fight off the Japanese invasion in the Pacific; and

Whereas, All seven of the Cox brothers who served in WW II were listed on the Honor Memorial in Wolf Summit, West Virginia, dedicated in 1946, symbolizing their heroism and sacrifice for continued freedom of the United States and our democracy; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Cox brothers and their 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 bridge number 2488 East/West (17A187, 17A189), locally known as the Log Cabin Bridge in Harrison County, the “Cox Brothers Veteran 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 “Cox Brothers Veteran 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 Lindsay and Jeffries offered the following resolution:

Senate Concurrent Resolution 33—Requesting the Division of Highways name a portion of WV61, beginning at (38.242842), (-81.561931) and ending at (38.256364), (-81.573414), known as MacCorkle Avenue, in Marmet, Kanawha County, the “U. S. Army SGT Lewis M. ‘Mike’ Totten Memorial Road”.

Whereas, Lewis M. “Mike” Totten was born on August 25, 1949, the son of Charlotte and Roy Totten; and

Whereas, Lewis M. “Mike” Totten, a native of Marmet, was a graduate of East Bank High School and earned a Bachelor of Arts in Social Studies Education from the University of Charleston, taking courses at night over a 10-year period while working full time at E.I. DuPont in Belle; and

Whereas, Lewis M. “Mike” Totten (then Lewis Leavens) served in the U.S. Army from 1969 to 1971, rising to the rank of E5 Sergeant. SGT Lewis M. “Mike” Totten served in combat in Vietnam from March 1970 to March 1971, as part of the air cavalry, 2nd Battalion, 7th Cavalry Regiment, until wounded in combat, and for which he has reportedly received the Purple Heart. He then served in the corps-level United States Army Republic of Vietnam and was part of the intelligence-counterintelligence Phoenix Program; and

Whereas, After returning home from military service, SGT Lewis M. “Mike” Totten was a bridge inspector for the State of West Virginia; and

Whereas, U.S. Army SGT Lewis M. Totten was also a certified public school teacher, a master electrician, pipefitter, and boilermaker; and

Whereas, Collaborating with then-Senator Tod Kaufman, SGT Lewis M. “Mike” Totten advocated for the successful Senate resolution that led to the creation of what later became the West Virginia Veterans Memorial at the State Capitol Complex. Both met with and secured the support of Governor Arch Moore, Jr., on the issue of a state Vietnam Veterans memorial, which later became an all-wars memorial. He later helped secure one of the largest corporate donations, from E. I. DuPont, to the state’s Veterans Memorial Commission; and

Whereas, SGT Lewis M. “Mike” Totten participated in E. I. DuPont’s volunteer team for Project Teach, a semester-long effort to cover instruction in public school classrooms while regular teachers received first-generation computer training when the technology first entered the classroom. He designed the

instructional program for E. I. DuPont's volunteer team, training and coaching the company's contributors; and

Whereas, While at E. I. DuPont, working in coordination with the Belle Works' Human Resources Department, SGT Lewis M. "Mike" Totten provided counseling to veterans with PTSD. He also trained employees on the first substance abuse and smoking policy program in the global DuPont system; and

Whereas, SGT Lewis M. "Mike" Totten retired from E.I. DuPont in Belle as an electrical-instrument mechanic after 39 years of service, having developed multiple safety devices for the chemical industry and having received multiple safety awards; and

Whereas, At the time of his death, SGT Lewis M. "Mike" Totten was president of the Marmet Hospital Foundation, having served on its board for several decades. His final project with the foundation created the first ADA wheelchair-accessible playground in the West Virginia State Parks system, in Kanawha State Forrest; and

Whereas, SGT Lewis M. "Mike" Totten was also a past president of the Charleston Chapter of the Vietnam Veterans of America, was a member of the American Legion, and also taught map-reading classes for local boy scout troops in the Kanawha Valley; and

Whereas, SGT Lewis M. "Mike" Totten, 71, died November 16, 2020, at the Cleveland Clinic, suffering cardiac arrest after contracting COVID-19, following a long-awaited kidney transplant. His kidney and heart disease were connected to Agent Orange exposure in Vietnam. He is survived by his wife, Mary Martha Totten, and his son, Mark Leslie Totten. Also surviving Mike are his sister, Debbie; brother, George Totten; sister, Marie Leavens Dawson, as well as many other extended family members; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army SGT Lewis M. "Mike" Totten 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 a portion of WV61, beginning at (38.242842), (-81.561931) and ending at (38.256364), (-81.573414), known as MacCorkle Avenue, in Marmet, Kanawha County, the “U. S. Army SGT Lewis M. ‘Mike’ Totten Memorial Road”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the portion of road as the “U. S. Army SGT Lewis M. ‘Mike’ Totten Memorial Road”; 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.

Senator Roberts offered the following resolution:

Senate Concurrent Resolution 34—Requesting the Division of Highways name bridge number 55-010/00-031.60 (55A035), locally known as Jesse Bridge, carrying WV 10 over Laurel Fork in Wyoming County, the “U.S. Air Force TSGT Franklin A. Bradford Bridge”.

Whereas, Franklin Abb Bradford was born at the Stevens Hospital in Welch, West Virginia, on March 21, 1950. He was the son of a coal miner and grew up in a coal camp house where he graduated from Pineville High School in 1969. With the Vietnam War underway, Franklin A. Bradford voluntarily enlisted in the United States Air Force in the fall of 1969; and

Whereas, TSGT Franklin A. Bradford spent his basic training at Lackland Air Force Base in San Antonio, Texas. He served a first tour of duty in the Southeast Asian theater of conflict. TSGT Franklin A. Bradford served with the civil engineering unit called Prime Base Engineer Emergency Force (BEEF), where he served as a machine gunner. Prime BEEF was a rapidly deployable

squadron of specialized civil engineering unit members who provided a full range of engineering support for command operations; and

Whereas, TSGT Franklin A. Bradford was stationed at Beale Air Force Base in California where he helped assemble the SR-71 Blackbird, an Air Force reconnaissance aircraft intended to operate at extreme velocities, altitudes, and temperatures that played a key role in gathering intelligence during the Cold War; and

Whereas, TSGT Franklin A. Bradford was stationed at the Ramstein Air Force Base in Germany and flew on international missions. After Shah Mohammad Reza Pahlavi was ousted from Iran on February 11, 1979, at the start of the Iranian Revolution, the Shah was welcomed into the United States for cancer treatments. In protest, Iranian students took over the U.S. Embassy in Tehran, holding Americans hostage for more than 440 days. TSGT Franklin A. Bradford took part in one of the airlift rescue missions for embassy members during what would become known as the Iranian hostage crisis; and

Whereas, TSGT Franklin A. Bradford transferred to Charleston Air Force Base in South Carolina where he served as a quality control specialist for the mechanical air command, and then he transferred to the strategic air command at Randolph Air Force Base in San Antonio, Texas. Following his service in Texas, TSGT Franklin A. Bradford was sent to Kunsan Air Force Base in South Korea to a combat readiness unit, the 8th Fighter Wing, known as The Wolf Pack. This was a strategic unit trained and prepared to execute immediate air combat against any aggressors threatening the United States or South Korea. His final duty station was at Maxwell Air Force Base in Alabama where he worked as a manpower management technician; and

Whereas, TSGT Franklin A. Bradford always made time to volunteer with local schools, the Special Olympics, and the Red Cross wherever he was stationed. While stationed in San Antonio, Pope John Paul II visited the city in September 1987 and conducted an outdoor mass with several thousand attendees, some of whom

suffered the effects of the hot Texas sun. He served with the Red Cross during the event, brought water and refreshments to attendees, and helped many who succumbed to the heat to shelter for assistance. The heart of a West Virginian is one of servitude and TSGT Franklin A. Bradford displayed this quality whenever presented with the opportunity; and

Whereas, Upon retirement from the Air Force in 1991, TSGT Franklin A. Bradford went back to school at Bluefield State College and earned a bachelor's degree, which allowed him to begin a career with the United States Department of Defense as a contract specialist with the Naval Sea Command and NASA. His duty station was at the Wright Patterson Air Force Base in Ohio. When a transfer opportunity opened for the Department of Defense in Blacksburg, Virginia, TSGT Franklin A. Bradford seized the chance to return home and moved to Princeton, West Virginia. He eventually worked with the Veterans Administration Hospital in Beckley, West Virginia, as a contract specialist, and enjoyed his time serving the needs of fellow veterans; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Air force TSGT Franklin A. Bradford for his honorable service 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 55-010/00-031.60 (55A035), locally known as Jesse Bridge, carrying WV 10 over Laurel Fork in Wyoming County, the "U.S. Air Force TSGT Franklin A. Bradford 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. Air Force TSGT Franklin A. Bradford 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.

Senator Caputo offered the following resolution:

Senate Resolution 22—Urging the Governor of West Virginia to form a task force with our congressional representatives, labor organizations, and other industry leaders to call upon the President of the United States to invoke the Defense Production Act of 1950, order the Morgantown plant at the Chestnut Ridge facility of the former Mylan Pharmaceuticals to be retrofitted and placed into production relating to the manufacturing, packaging, and shipping of critical, life-saving medical supplies including vaccinations, and empower the Governor of West Virginia to save the lives of our friends, neighbors, and fellow citizens.

Whereas, The Defense Production Act of 1950 grants the President of the United States a broad set of authorities to influence domestic industry in the interest of national defense and can be used across the federal government to shape the domestic industrial base and provide essential materials and goods needed for the national defense; and

Whereas, The State of West Virginia and entire United States currently faces a severe shortage of medical supplies, including life-saving vaccinations which are vital in responding to the ongoing Coronavirus Disease (COVID-19) pandemic; and

Whereas, The failure to massively and expeditiously increase vaccination production endangers the lives of our fellow citizens; and

Whereas, It is critical that the State of West Virginia utilize its citizens, resources, and facilities to their maximum potential to defeat this COVID-19 virus and protect the health, safety, and welfare of our friends and neighbors; and

Whereas, The Morgantown plant at the Chestnut Ridge facility of the former Mylan Pharmaceuticals, a vital facility, is scheduled to shut down on July 31, 2021; and

Whereas, This vital facility could be quickly repurposed to produce life-saving medical supplies including COVID-19 vaccinations while also preserving over 1,500 West Virginian jobs; and

Whereas, West Virginians always answer the call for assistance from our nation, whether that means service in our armed forces, producing the energy needed to power our homes, or stepping up to do our part in responding to the needs of the COVID-19 pandemic; and

Whereas, The employees of the Morgantown plant at the Chestnut Ridge facility of the former Mylan Pharmaceuticals will rise to this new challenge, continue their decades of proven labor, empower the Governor of West Virginia to continue his mission of saving the lives of West Virginians, and be able to, once again, demonstrate to the State of West Virginia, colleagues and fellow workers, and industry leaders their value by their hard work, expertise, and resolve; therefore, be it

Resolved by the Senate:

That the Senate hereby urges the Governor of West Virginia to form a task force with our congressional representatives, labor organizations, and other industry leaders to call upon the President of the United States to invoke the Defense Production Act of 1950, order the Morgantown plant at the Chestnut Ridge facility of the former Mylan Pharmaceuticals to be retrofitted and placed into production relating to the manufacturing, packaging, and shipping of critical, life-saving medical supplies including vaccinations, and empower the Governor of West Virginia to save the lives of our friends, neighbors, and fellow citizens; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Governor of West Virginia, the Honorable James C. Justice II.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 16, USMC Corporal Roger Lee Boothe Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senate Concurrent Resolution 28, US Army PVT Thomas D. Beckett, Sr., Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Resolution 21, Recognizing anniversary of SS Sultana tragedy.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 562, Relating to juvenile competency 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, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 562) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 566, Relating to interpretations of school laws.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 566 pass?”

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Maroney, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—21.

The nays were: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Martin, Plymale, Romano, Stollings, Unger, and Woelfel—12.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 566) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2372, Allow pre-candidacy papers to be filed the day after the general election.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2372) 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 House Bill 2372—A Bill to amend and reenact §3-8-5e of the Code of West Virginia, 1931, as amended, relating to modifying the date to file pre-candidacy registration papers, receive contributions, and make expenditures for persons undertaking to determine the advisability of becoming or preparing to be a candidate for a public office or position.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2682, Relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2682) passed.

On motion of Senator Azinger, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2682—A Bill to amend and reenact §33-12-8 and §33-12-9 of the Code of West Virginia, 1931, as amended, and to amend and reenact §33-12B-13 and §33-12B-14 of said code, all relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements; changing the requirement that the Insurance Commissioner send license suspensions to insurance producers by certified mail with a requirement that the suspensions be sent by electronic mail or regular mail; providing that each agent, insurance agency, solicitor, or service representative must report his or her respective electronic mail address to the Insurance Commissioner and providing time periods to report changes of information provided to Insurance Commissioner; changing the requirement that the Insurance

Commissioner send license suspensions to insurance adjusters by certified mail with a requirement that the suspensions be sent by electronic mail or regular mail; providing that each insurance adjuster must report his or her respective electronic mail address to the Insurance Commissioner and providing time periods to report changes of information provided to Insurance Commissioner; and requiring the Insurance Commissioner to maintain certain information.

Senator Takubo moved that the bill take effect July 1, 2021.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2682) takes effect July 1, 2021.

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 422, Establishing common law “veil piercing” claims not be used to impose personal liability.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 531, Relating to incomplete, duplicative, or redundant claims for refund.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 532, Limiting claims for state tax credits and rebates.

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 626, Updating regulation for purchase of automobile catalytic converters.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Eng. House Bill 2709, Providing that the aggregate liability of a surety on a consumer protection bond under the West Virginia Fintech Regulatory Sandbox Program does not exceed the principal sum of the bond.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 2764, Allow the Division of Financial Institutions to enter into reciprocity agreements with other jurisdictions that operate similar programs to the West Virginia Fintech Sandbox Program.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

Com. Sub. for Senate Bill 36, Relating to WV Secondary School Activities Commission audits.

Com. Sub. for Senate Bill 509, Removing requirement that determination of medical stability be found prior to admission to mental health facility.

Com. Sub. for Senate Bill 569, Relating to damages for medical monitoring.

Com. Sub. for Senate Bill 636, Requiring certain history and civics courses be taught in schools.

Eng. Com. Sub. for House Bill 2024, Expand use of telemedicine to all medical personnel.

Eng. House Bill 2701, Relating to authorizing the Division of Rehabilitation Services to approve acceptable training programs required for low vision individuals to obtain a Class G drivers license.

Eng. House Bill 2788, Expiring funds to the unappropriated surplus balance from State Excess Lottery Revenue Fund.

Eng. Com. Sub. for House Bill 2789, Supplementing and amending the appropriations to Public Defender Services.

Eng. Com. Sub. for House Bill 2802, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Emergency Management.

Eng. Com. Sub. for House Bill 2803, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry.

And,

Eng. House Bill 2804, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021.

(Senator Sypolt in the Chair.)

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on March 17, 2021:

Senate Bill 13: Senator Maynard;

Senate Bill 333: Senator Maynard;

Senate Bill 478: Senator Romano;

Senate Bill 565: Senator Rucker;

Senate Bill 586: Senator Romano;

Senate Bill 598: Senator Romano;

Senate Bill 599: Senator Romano;

Senate Bill 604: Senator Romano;

Senate Bill 609: Senator Grady;

Senate Bill 610: Senator Rucker;

Senate Bill 612: Senator Romano;

Senate Bill 614: Senator Romano;

Senate Bill 642: Senator Karnes;

Senate Bill 649: Senator Romano;

Senate Bill 650: Senator Hamilton;

Senate Bill 651: Senators Roberts and Karnes;

Senate Bill 657: Senators Roberts and Karnes;

Senate Bill 658: Senator Stollings;

Senate Concurrent Resolution 20: Senators Lindsay and Romano;

Senate Concurrent Resolution 28: Senator Phillips;

And,

Senate Resolution 21: Senators Smith and Rucker.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:59 a.m., the Senate adjourned until tomorrow, Friday, March 19, 2021, at 10 a.m.

FRIDAY, MARCH 19, 2021

The Senate met at 10:04 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Rollan A. Roberts, a senator from the ninth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Patrick S. Martin, a senator from the twelfth district.

Pending the reading of the Journal of Thursday, March 18, 2021,

At the request of Senator Takubo, 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 concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 5, Relating to claims arising out of WV Consumer Credit and Protection Act.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 42, Creating Zombie Property Remediation Act of 2021.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendments to, and the passage as amended with its Senate amended title, of

Eng. Senate Bill 89, Exempting certain kindergarten and preschool programs offered by private schools from registration requirements.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 523, Correcting improper code references.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 2008, Amending requirements for licensure relating to elevator mechanics, crane operators, HVAC, electricians, and plumbers.

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 2495—A Bill to amend and reenact §55-7G-4 of the Code of West Virginia, 1931, as amended, relating to the filing of asbestos and silica claims; providing that plaintiffs shall include a sworn information form with any asbestos or silica action filed after the effective date of the amendments to the Code; specifying the information to be included in a sworn information form; providing for the dismissal without prejudice of asbestos or silica actions filed against defendants whose product or premises have not been identified; and providing for the dismissal without prejudice of asbestos or silica actions for failure to comply with sworn information filing requirements.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 2830—A Bill to amend and reenact §49-5-104 of the Code of West Virginia, 1931, as amended; to amend and reenact §61-8-5 of said code; and to amend and reenact §61-14-2, §61-14-8, and §61-14-9 of said code, all relating to strengthening sex trafficking laws; allowing for accessibility of juvenile adjudication records for child victims of sex trafficking; providing for immunity from prosecution for child victims of sex trafficking; providing for criminal liability of a person who aids, assists, or abets the trafficking of an adult or child; providing that a child victim of sex trafficking be eligible for comprehensive and specialized trauma-informed child welfare services; and allowing a child victim of sex trafficking to expunge records of juvenile delinquency adjudication.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 2854—A Bill to amend and reenact §8-22A-2, §8-22A-14, §8-22A-16, §8-22A-17, §8-22A-18, and §8-22A-22 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §8-22A-34 and §8-22A-35, all relating to the West Virginia Municipal Police Officers and Firefighters Retirement System; defining terms; removing conflicting and obsolete statutory provisions; eliminating conflicting provisions relating to late retirement and restrictions on annuity options for married members; clarifying preretirement death benefits; clarifying commencement date of disability benefits; clarifying death benefit for dependent children; providing for return to covered employment; and providing for severability.

At the request of Senator Takubo, and by unanimous consent, the bill was taken up for immediate consideration and reference to a committee dispensed with.

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 2855—A Bill to amend and reenact §20-18-2, §20-18-8, §20-18-20, §20-18-23, and §20-18-27 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-18-37, all relating to the Natural Resources Police Officers Retirement System; defining terms; clarifying concurrent employer contribution rate; clarifying preretirement death benefits; clarifying certain survivor benefits; amending conflicting statutory provisions; and adding a severability clause.

At the request of Senator Takubo, and by unanimous consent, the bill was taken up for immediate consideration and reference to a committee dispensed with.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2896—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2021, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 2898—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to WorkForce West Virginia – Workforce Investment Act, fund 8749, fiscal year 2021, organization 0323, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 2901—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2021, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 2903—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Homeland Security, West Virginia State Police, fund 8741, fiscal year 2021, organization 0612, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 2940—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Education, State Board of Education – State Department of Education, fund 8712, fiscal year 2021, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 2941—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, by decreasing an existing item and adding a new item of appropriation to the Department of Revenue, Insurance Commissioner, fund 8883, fiscal year 2021, organization 0704, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

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 3129—A Bill to amend §24A-5-2a of the Code of West Virginia, 1931, as amended; relating to clarifying how the Consumer Price Index rate increase percentage is calculated regarding solid waste motor carriers rate increases; requiring a revised tariff show the rate increase to be filed; providing flexibility to covered companies to protest or accept rates; and, providing when such increases become effective in each instance.

Referred to the Committee on Government Organization.

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 3132—A Bill to amend and reenact §17A-11-4 of the Code of West Virginia, 1931 as mended; and to amend and reenact §17C-6-10 of said Code; to amend and reenact §17C-17-10 of said Code; to amend and reenact §17E-1-24 of said Code; to

amend and reenact §24A-7-6 and §27A-7-7 of said Code; and to amend and reenact §30-29-1 and §30-29-5 of said Code; all relating to changing the term “motor carrier inspectors” to “commercial vehicle enforcement officers” throughout the Code; and removing linguistic inconsistencies.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 3175—A Bill to amend and reenact §17A-6E-4 of the Code of West Virginia, 1931, as amended, relating to removing certain felonies than can prohibit vehicle salespersons from receiving a license.

Referred to the Committee on the Judiciary.

Executive Communications

The Clerk then presented the following communications from His Excellency, the Governor, regarding bills approved by him:



Jim Justice
Governor of West Virginia

March 18, 2021

The Honorable Lee Cassis, Clerk
West Virginia Senate
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Committee Substitute for Senate Bill No. Two Hundred Seventy (270), which was presented to me on March 12, 2021.

Committee Substitute for Senate Bill No. Two Hundred Eighty (280), which was presented to me on March 12, 2021.

You will note that I have approved these bills on March 18, 2021.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk



Jim Justice
Governor of West Virginia

March 19, 2021

The Honorable Lee Cassis, Clerk
West Virginia Senate
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Committee Substitute for Senate Bill No. One Hundred Twenty-Six (126), which was presented to me on March 15, 2021.

Committee Substitute for Senate Bill No. Two Hundred Seventy-Two (272), which was presented to me on March 15, 2021.

Committee Substitute for Senate Bill No. Two Hundred Seventy-Seven (277), which was presented to me on March 15, 2021.

Senate Bill No. Two Hundred Ninety-Six (296), which was presented to me on March 15, 2021.

Senate Bill No. Three Hundred Thirty-Eight (338), which was presented to me on March 15, 2021.

Senate Bill No. Three Hundred Seventy-Two (372), which was presented to me on March 15, 2021.

You will note that I have approved these bills on March 19, 2021.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

State Capitol | 1900 Kanawha Blvd., East, Charleston, WV 25305 | (304) 558-2000



Jim Justice
Governor of West Virginia

March 19, 2021

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Committee Substitute for House Bill No. Two Thousand One (2001), which was presented to me on March 15, 2021.

You will note that I have approved this bill on March 19, 2021.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 18th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 2011), Eliminating any time requirements for part time personnel to work during a working year.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Dean Jeffries,
Chair, House Committee.

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 361, Extending supervision for conviction of soliciting minor and using obscene matter with intent to seduce minor.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 361 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-12-26 of the Code of West Virginia, 1931, as amended, relating to extended supervised release for certain offenders generally; requiring extended supervision for persons convicted of distribution of obscene matter to minors, soliciting a minor via computer, and

soliciting a minor by use of obscene matter; and removing antiquated language.

And,

Senate Bill 658, Requiring sheriff's departments to participate and utilize Handle With Care Program for trauma-inflicted children.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 658 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §7-26-2 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Sheriffs' Bureau of Professional Standards working with the sheriffs of each county of the state to actively participate in and utilize all components of the Handle With Care Program to help trauma-inflicted children in the public or private school system.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 436, Relating generally to solid waste facilities.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 436 (originating in the Committee on Government Organization)—A Bill to amend and reenact §22-15-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-15A-19 of said code; to amend and reenact §22-16-4 of said code; to amend and reenact §22C-4-30 of said code; and to amend and reenact §24-2-1m of said code, all relating to solid waste facilities; specifying that a mixed waste resource recovery facility is not a solid waste facility; providing for exemption of solid mixed waste resource recovery facilities from certain fees; and clarifying that mixed waste resource recovery facilities are not subject to the jurisdiction of the Public Service Commission.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 486, Relating to powers and duties of Chief Technology Officer.

And,

Senate Bill 577, Exempting certain fire departments from licensure requirements for providing rapid response services.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 487, Updating Division of Purchasing procurement and spending thresholds.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 487 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5A-3-10 and §5A-3-11 of the Code of West Virginia, 1931, as amended, all relating to updating state procurement procedures and spending thresholds; authorizing the Director of the Division of Purchasing to delegate bid solicitations and commodity procurement to spending units within thresholds to be determined by the director; authorizing the director to increase or decrease the dollar limit of agency-delegated procurements based upon inspection; providing a process for an agency to cure inspection findings; establishing method for calculation of total procurement by commodity; providing that agency-delegated procurements must follow the same process as procurements under the supervision of the Purchasing Division; providing access to agency-delegated procurement records as public records; and defining monetary ranges for different means of collecting competitive bids.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 551, Revising forms of living will, medical power of attorney, and combined medical power of attorney and living will.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 551 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-30-3 and §16-30-4 of the Code of West Virginia, 1931, as amended, all relating to health care decisions; defining terms; revising forms of a living will, medical power of attorney, and combined medical power of attorney and living will and specific provisions; providing clarifying language regarding the effect of signing a living will on the availability of medically administered food and fluids; requiring oral food and fluids be provided as desired and tolerated; providing that forms executed prior to effective date of this bill remain in full force and effect; and providing for effective date.

And,

Senate Bill 590, Removing restriction preventing medical marijuana from being in edible form.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 590 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, all relating to permitting medical marijuana to be prescribed in edible form; removing the restrictions that prevent medical marijuana from being prescribed in edible form; and providing restrictions related to the shape of the edible product.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Michael J. Maroney,
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 565, Relating generally to elections.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 565 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1A-9; to amend and reenact §3-2-6, §3-2-11, §3-2-23, and §3-2-25 of said code; to amend and reenact §3-3-1, §3-3-3, §3-3-5, and §3-3-5c of said code; to amend and reenact §3-6-9 of said code; to amend and reenact §3-7-3, §3-7-6, and §3-7-7 of said code; to amend and reenact §3-8-2b of said code; and to amend said code by adding thereto a new section, designated §3-9-21, all relating to elections; prohibiting nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission; clarifying the deadline for electronically submitted voter registration applications; requiring certain optional questions regarding updating or transferring voter registration or registering to vote to be presented by the Division of Motor Vehicles as part of application for motor vehicles driver's license or other official identification card; authorizing the Secretary of State to revise questions in legislative rules to conform to federal law; requiring the Division of Motor Vehicles to release certain information to the Secretary of State; requiring cancellation of voter registration upon receipt of certain official notices from a state or federal court; changing the time period for county clerks to initiate the confirmation notice mailing process in the systematic

purging program for removal of ineligible voters from registration files to each odd-numbered year following a federal election; changing the time period of inactivity required for county clerks to initiate the confirmation notice mailing process in the systematic purging program for removal of ineligible voters from registration files from four years to two years; extending an electronic absentee ballot transmission option to certain voters eligible to vote an emergency absentee ballot and certain first responders; changing deadline for certain voters to become eligible to vote an emergency absentee ballot; changing the start and end date for early in-person voting; removing requirements pertaining to punch card systems and gray envelopes; changing the deadline by which voters may submit their absentee-by-mail and emergency absentee ballot requests effective January 1, 2022; changing deadlines applicable to emergency absentee voting procedures which may be extended to certain voters by a county commission effective January 1, 2022; requiring boards of canvassers to transmit certain information electronically to the Secretary of State; making procedures for election contests before a special court applicable to contested elections of certain judges; changing jurisdiction of election contests for county, district, and municipal elections to the circuit courts; requiring a recount proceeding to be completed before filing certain election contests; providing certain procedural requirements for election contests before circuit courts; providing for appeals of a decision made by a circuit court in an election contest be made to the Supreme Court of Appeals; granting rulemaking authority to the Supreme Court of Appeals regarding election contests before circuit courts; requiring certain disclosures on certain political push-polls and prerecorded political telephone messages; providing for civil penalties for violations of requirements for disclosure of electioneering communications and disclaimers on telephone political messaging and polling; authorizing an action for equitable relief by a person injured by a violation of requirements for electioneering communications and disclaimers on telephone political messaging and polling; providing for award of costs and fees to prevailing plaintiffs in certain actions for equitable relief; defining the term “bona fide survey and opinion research”; prohibiting certain intentional actions obstructing or interfering with a voter during hours that polls are open for in-person voting in an election; and creating misdemeanor crime of certain intentional actions obstructing or

interfering with a voter during hours that polls are open for in-person voting in an election and establishing penalties therefor.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 587, Making contract consummation with state more efficient.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 587 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-62, relating to contract terms and conditions and the inability of government officials to agree with certain contract terms.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 587), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 610, Providing tuition and fee waivers at state higher education institutions for volunteers who have completed service in AmeriCorps programs in WV.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 610 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-10-7d, relating to providing tuition and fee waivers for terms of service completed in West Virginia as AmeriCorps volunteer; specifying programs, conditions, required minimum hours of service, and limitation of semesters applicable; defining nominal value; providing that tuition and fee waivers are in addition to others permitted; authorizing governing boards to establish limits; and authorizing legislative rulemaking for certain purposes.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Education.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 644, Exempting certain persons pursuing degree in speech pathology and audiology from license requirements.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 651, Allowing county boards of education to publish financial statements on website.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 657, Forming Open and Robust University Minds Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 657 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-20-1, §18B-20-2, §18B-20-3, §18B-20-4, §18B-20-5, §18B-20-6, §18B-20-7, §18B-20-8, §18B-20-9, §18B-20-10, §18B-20-11, and §18B-20-12, all relating to free expression on state institution of higher education campuses; providing for legislative findings regarding the exercise of First Amendment rights on public university campuses in this state as being critical components of the education experience for students; providing for definitions; defining protected expressive activities; defining public forums and prohibiting “free speech zones”; permitting expressive activity on campus under certain conditions; allowing state institutions of higher education to maintain and enforce reasonable time, place, and manner restrictions under certain parameters; prohibiting a state institution of higher education from denying a religious, political, or ideological student organization any benefit or privilege available to any other student organization or otherwise discriminate against the organization; requiring state institutions of higher education to develop materials, programs, and procedures to ensure that those persons having responsibility for discipline or education of students understand the policies, regulations, and duties of state institutions of higher education regarding free expression on campus; requiring each state institution of higher education to create a report detailing the course of action implemented to be in compliance with the free expression on campus article; allowing an aggrieved person or student association to bring an action against the state institution of higher education and its employees acting in their official capacities, responsible for the violation and seek appropriate relief; providing statute of limitations; waiving immunity under the Eleventh Amendment of the United States Constitution; and providing for severability.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

The bill (Com. Sub. for S. B. 657), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Joint Resolution 7, Motor Vehicle and Other Personal Property Tax Reduction Amendment.

And reports the same back with the recommendation that it be adopted; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The resolution, under the original double committee reference, was then referred to the Committee on Finance.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 2621, Mandating certification for certain members of fire departments, require certain types of training, allow specialized personnel who are not firefighters to be members of a department, and require the postings of fire department evaluations.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2797, Declaring certain claims to be moral obligations of the State.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Eric J. Tarr,
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

House Concurrent Resolution 9, Urging Congress to call a convention of states to limit terms of office of the US House of Representatives.

And reports the same back with the recommendation that it be adopted.

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:

By Senator Takubo:

Senate Bill 668—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-21A-1, §30-21A-2, §30-21A-3, §30-21A-4, §30-21A-5, §30-21A-6, §30-21A-7, §30-21A-8, §30-21A-9, §30-21A-10, §30-21A-11, §30-21A-12, and §30-21A-13, all relating to the Psychology Interjurisdictional Compact; providing for definitions; providing for increased public access to professional psychological services by permitted psychologists to practice across state lines; providing for temporary psychological services; providing for the state's ability to protect the health and welfare of its citizens; providing for the cooperation and exchange of information in compact states; providing for cooperation of compact states in licensure and regulation; providing for adverse actions; providing for enforcement mechanisms for compliance with the compact; providing for coordinated efforts between compact states of holding psychologists accountable to the compact; providing for effective dates of rules upon induction to the compact; providing for duties and authority of the commission; providing for election procedures for commission members; providing for alternative dispute resolution methods; providing for venue for legal action taken against the commission; providing for withdrawal from the compact; and providing for construction and severability of the terms of the compact.

Referred to the Committee on Interstate Cooperation; and then to the Committee on Health and Human Resources.

By Senator Nelson:

Senate Bill 669—A Bill directing the West Virginia Higher Education Policy Commission to sell 258.17 acres of land, together with any improvements thereon, situated in the City of South Charleston, Union Carbide Corporation Tech Center Property,

located on 3200 Kanawha Turnpike, City of South Charleston, Kanawha County, to the City of South Charleston.

Referred to the Committee on Economic Development; and then to the Committee on Education.

By Senator Grady:

Senate Bill 670—A Bill to amend and reenact §9-5-22 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §9-5-29, all relating to requiring managed care organizations to report certain mental health parity information; requiring contracts between managed care organizations and the state Medicaid agency to contain certain provisions mandating such managed care organizations to provide mental health parity between behavioral health, mental health, substance use disorders, and medical and surgical procedures; providing definitions; providing for liquidated damages; and setting forth an effective date.

Referred to the Committee on Health and Human Resources.

By Senator Phillips:

Senate Bill 671—A Bill to amend and reenact §16-4C-4 of the Code of West Virginia, 1931, as amended, relating to providing for the appointment of a Director of the Office of Emergency Medical Services.

Referred to the Committee on Health and Human Resources.

By Senator Phillips:

Senate Bill 672—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-28, relating to requiring Medicaid managed care organizations to use an open network of laboratory providers; establishing findings; and requiring open network laboratories adhere to the same conditions as any other contracted laboratory.

Referred to the Committee on Health and Human Resources.

By Senator Swope:

Senate Bill 673—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §56-1-1b, relating to venue for bringing a civil action or conducting proceedings under a construction contract.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 674—A Bill to amend and reenact §8-10-2a and §8-10-2b of the Code of West Virginia, 1931, as amended; to amend and reenact §50-3-2a of said code; and to amend and reenact §62-4-17 of said code, all relating generally to court-ordered costs, fines, forfeitures, restitution, and penalties; clarifying that unpaid restitution need not preclude a person from obtaining a valid driver's license; establishing procedures to obtain a lien against a person who owes restitution; and providing procedures for removing a lien.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 675—A Bill to amend and reenact §3-10-5 of the Code of West Virginia, 1931, as amended, relating to clarifying the responsibility of the Governor to fill a vacancy in the state Legislature; providing a process for the selection of three legally qualified persons to fill a vacancy in the office of state Senator or member of the House of Delegates; allowing for virtual candidate interviews where more than three candidates apply; clarifying the interview process; and providing that a party county chairman appoint a subcommittee to act as vacancy committee where a senate or delegate district is wholly within one county.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 676—A Bill to amend and reenact §11-14C-47 of the Code of West Virginia, 1931, as amended, relating to requiring taxes collected from motor fuels that are used by off-highway

vehicles be used to map state roads using the graphic information system.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Phillips, Caputo, and Smith:

Senate Bill 677—A Bill to amend and reenact §22A-1-2 and §22A-1-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §22A-2-33, §22A-2-40, §22A-2-46, and §22A-2-70 of said code; and to amend and reenact §22A-9-1 of said code, all relating to miners' safety, health, and training standards regarding capacitors used for power correction, electrical work performed on low, medium, or high voltage circuits or equipment, and the use of gas-detecting devices; making technical corrections; authorizing the director to terminate tenured inspectors; and providing for a hearing process related to an inspector's termination.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on the Judiciary.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 678—A Bill supplementing and amending appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing an existing item of appropriation and adding a new item of appropriation to Executive, Governor's Office, fund 0101, fiscal year 2021, organization 0100, by supplementing and amending appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 679—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021, in the amount of \$550,000 from the

Department of Veterans' Assistance, Department of Veterans' Assistance, fund 0456, fiscal year 2012, organization 0613, appropriation 34400, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Veterans' Assistance – Department of Veterans' Assistance - Veterans' Home, fund 0460, fiscal year 2021, organization 0618, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

Senators Stollings and Phillips offered the following resolution:

Senate Concurrent Resolution 35—Requesting the Division of Highways name a portion of WV17, beginning at (38.05727) (-81.82520), and ending at (38.05264) (-81.83461), in Madison, Boone County, the “U. S. Air Force LT COL Robert J. Hill Memorial Road”.

Whereas, Robert James Hill was born September 24, 1936, son of the late Wallace Alvin Hill and Mattie Varney Hill. Robert grew up in Boone County, West Virginia in an area known as the North Fork of Big Creek; and

Whereas, Robert James Hill graduated in 1953 from Scott High School. He attended Marshall University, and after two years at Marshall, he received an emergency teacher certificate which allowed him to teach at a two-room public school at the North Fork of Big Creek; and

Whereas, Robert James Hill had an Uncle Edsel Carl Varney who was a World War II Navy pilot [Pacific Theatre], then a local pilot, and who was a major influence in his life; although his parents wanted him to become a teacher, Robert was enthralled with the idea and strongly desired to become a pilot from his awareness of his Uncle Varney's history; and

Whereas, On September 27, 1956, Robert J. Hill entered the United States Air Force and in 1958, he became a commissioned officer. His eyesight would prohibit Robert from becoming a pilot, so instead he became a navigator that would define his Air Force career; and

Whereas, In his over 22 years of Air Force service, Robert would spend most that time in the Strategic Air Command [SAC], where he witnessed many new innovations. Trained in “electronic warfare” and “electronic counter measures” equipment, his initial assignment was a B-52; and

Whereas, In 1963, U. S. Air Force LT COL Robert J. Hill was assigned to a B-58, often used for reconnaissance using aerial photography which he had been trained to perform. On March 27, 1964, his aircraft was assigned to fly over the Alaskan earthquake area to photograph the damage. Those photographs were rapidly developed and provided to the Department of Defense and to President Lyndon B. Johnson. In September 1967, he received a call from President Johnson requesting another mission to photograph the damage of Hurricane Beulah; and

Whereas, In 1969-70, U. S. Air Force LT COL Robert J. Hill was reassigned to become a Navigator qualified in the air refueling aircraft, the KC-135. In 1972, U. S. Air Force LT COL Robert J. Hill was assigned to Maxwell Air Force Base to participate in the Air Force’s Command Staff College and concurrently entered Troy State University, where, in 1973, he earned a Bachelor of Science degree; and

Whereas, With his exemplary Navigator skills, the Air Force was engaging with the linked electronic “radar bombing site” technology. In 1973-74, Robert completed the “Skyport” training and became an active Combat Controller in Ubon, Thailand in support of the Vietnam conflict. In late 1974, having exemplary electronic “radar bombing site” technology, U. S. Air Force LT COL Robert J. Hill would soon become the Operations Officer, and then Detachment Commander; and

Whereas, On October 31, 1978, U. S. Air Force LT COL Robert J. Hill retired from the United States Air Force with over 22 years of service. As a result of his service with the Strategic Air Command and other assignments involving secret missions, top secret equipment and his high security clearance, U. S. Air Force LT COL Robert J. Hill's full history can ever be told; and

Whereas, Many service awards bestowed upon U. S. Air Force LT COL Robert J. Hill were not allowed public view; however, many of his awards are known: 15 December 1958-10 January 1963: Air Force Commendation Medal; 28 and 29 March 1964: The Air Medal [Alaska Earthquake]; 25 January 1963 - 15 November 1969: Air Force Commendation Medal; First Oak Leaf Cluster [meritorious service]; 15 March 1971 - 7 July 1972: The Air Metal; First Oak Leaf Cluster; 30 January 1977- 31 October 1978: Air Force Commendation Medal; Second Oak Leaf Cluster [meritorious service]; the Vietnam Service and the Armed Services Expeditionary Medals; and

Whereas, In 1958, U. S. Air Force LT COL Robert J. Hill married his sweetheart, Mary Frances Craddock, and they have two children: Susan Hill Keller and Steven A. Hill; and

Whereas, Following retirement in 1978, U. S. Air Force LT COL Robert J. Hill remained in Bismarck, North Dakota until 1989 when he and his family returned to Boone County; and

Whereas, U. S. Air Force LT COL Robert J. Hill was a member of two Madison based Boone County veterans organizations: the American Legion, Post 87 and the VFW, Post 5578; and

Whereas, U. S. Air Force LT COL Robert J. Hill died on November, 13, 2020 at his home in Jeffrey; he was preceded in death by his wife, Mary Frances Craddock Hill; he is survived by his daughter, Susan Keller (Terry) of Grayson, KY; son, Steven A. Hill of Ramage, two grandchildren, three great-grandchildren, and sister, Linda Marcum; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Air Force LT COL Robert J. Hill 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 a portion of WV17, beginning at (38.05727) (-81.82520), and ending at (38.05264) (-81.83461), in Madison, Boone County, the “U. S. Air Force LT COL Robert J. Hill Memorial Road”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the “U. S. Air Force LT COL Robert J. Hill Memorial Road”; 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 Phillips and Stollings offered the following resolution:

Senate Concurrent Resolution 36—Requesting the Division of Highways name bridge number 23-016/01-000.87 (23A078), locally known as Right Fork Buffalo Creek Bridge 3, carrying CR 16/1 over the Right Fork of Buffalo Creek in Logan County, the “U.S. Army SP4 Warner Ray Osborne Memorial Bridge”.

Whereas, Warner Ray Osborne was born on January 2, 1943, to Elmer and Ruth Osborne of Curtis in Logan County, West Virginia; and

Whereas, Warner Ray Osborne died on June 12, 2019, a life-long resident of Logan County; and

Whereas, Warner Ray Osborne enlisted in the U.S. Army on July 24, 1961, and completed Basic Combat Training at the Airborne School in Fort Campbell, Kentucky; and

Whereas, Warner Ray Osborne worked as an Army lineman, attained the rank of SP/4 E-4 (T), and received an Expert Badge for Rifle, Letter of Commendation, and a Parachutist Badge during his service before his honorable discharge on July 23, 1964; and

Whereas, Following his military service, SP4 Warner Ray Osborne returned to the Accoville area of Logan County, West Virginia, where he worked in coal mining for more than 30 years and cared for his family, including his wife of 47 years, Quindora Marie Linville Osborne; and

Whereas, SP4 Warner Ray Osborne and Quindora Marie Linville Osborne had three daughters, Darlene Sue Osborne Davis, Melissa “Lisa” Osborne Gentry, and Kristy Bragg, several grandchildren, and great grandchildren; and

Whereas, Warner Ray Osborne served his country with honor and was cherished by his family, friends, and community; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army SP4 Warner Ray Osborne for his contributions to our state and country, and to his community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-016/01-000.87 (23A078), locally known as Right Fork Buffalo Creek Bridge 3, carrying CR 16/1 over the Right Fork of Buffalo Creek in Logan County, the “U.S. Army SP4 Warner Ray Osborne 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 Warner Ray Osborne 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.

Senator Jeffries offered the following resolution:

Senate Concurrent Resolution 37—Requesting the Division of Highways name, upon construction of the new bridges that will replace the Donald M. Legg Memorial Bridge, carrying WV 64 over the Kanawha River, locally known as the Nitro/St. Albans Bridge in Kanawha County, the new Eastbound Lane/Bridge, the “Nitro WW I Living Memorial Bridge”.

Whereas, On August 29, 1916, the United States Congress authorized the building of the Naval Ordnance Plant between U.S. 60 and the railroad in South Charleston, West Virginia. The plant took two years to build, spanned 900,000 square feet, and began operating in May of 1918. According to the Secretary of the Navy, Josephus Daniels, this naval base was the first in U.S. history to be placed away from seawaters. The U.S. Navy was drawn to the location by West Virginia’s natural resources, as well as its “moral environment and splendid citizenship”. The plant manufactured military equipment such as armor plates, gun forgings, and projectiles for battleships and cruisers which were used by the U.S. Navy in World War I; and

Whereas, Nitro was a World War I boom town believed to be named after nitrocellulose, which was used to manufacture smokeless gunpowder and other explosive devices. The plant was one of three selected by the U.S. government under the Deficiency Appropriations Act to relieve a severe shortage of gunpowder. Nitro’s location, 14 miles from Charleston, was chosen because it was secure from coastal attacks and climatic conditions while having access to railroads, waterways, and raw materials. The ordnance plant complex was known as Explosive Plant C. It was built in just 11 months and thousands of workers, supplies, and materials arrived practically overnight; and

Whereas, During the 11 months that the Explosive Plant C was in operation, the town was 90 percent complete and housed 23,951 people associated with the plant. There was a high turnover of people coming and going from the plant, with workers from each state and representing 41 different nationalities. Some who arrived for work in 1918 suffered from Spanish influenza and army barracks and other buildings had to be converted into hospitals to care for the sick; and

Whereas, By the end of the war on November 11, 1918, Explosive Plant C had produced 350 tons of smokeless gun powder per day. On Armistice Day, Nitro celebrated with a parade of cars, military tanks, and a band. Within two weeks after the Armistice, 12,000 people left Nitro and there were not enough workers to sustain plant production. The director of the plant turned its operation over to the Ordnance Department on January 15, 1919, and the plant was declared surplus as the U.S. government prepared to liquidate the property. Workers were laid off in October of 1919 and, a month later, the facilities were sold at auction to the Charleston Industrial Corporation; and

Whereas, In November of 1919, a state charter was granted to the Charleston Industrial Corporation which was organized for the specific purpose of purchasing and redeveloping the surplus government property at Nitro. The Charleston Industrial Corporation launched a sales promotion campaign to attract new industries and businesses to the area, focusing on manufacturing and chemical industries. By 1921, the future of Nitro was beginning to take shape with many wartime holdovers calling it home and relying on their friends and neighbors for fellowship, common interests, and help in time of need. This early community spirit remains strong; and

Whereas, Remnants of Nitro's gunpowder production history can be seen throughout the town and many special events associated with both World War I and World War II are held each year. The town proudly celebrates its wartime history and being known as a "living memorial to World War I"; and

Whereas, It is fitting that an enduring memorial be established to commemorate Nitro's rich past and significance to our country during World War I; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the new Eastbound Lane/Bridge, upon construction of the new bridges that will replace the Donald M. Legg Memorial Bridge, carrying WV 64 over the Kanawha River, locally known as the Nitro/St. Albans Bridge in Kanawha County, the "Nitro WW I Living Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the Eastbound lane or bridge as the "Nitro WW I Living 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.

Senator Romano offered the following resolution:

Senate Concurrent Resolution 38—Requesting the Division of Highways name bridge number 17A282 (17-025/99-000.34), locally known as Camden Street Bridge, over the West Fork River in Harrison County, the "U.S.M.C. SSGT Herbert 'Herbie' Barnes Veteran Memorial Bridge".

Whereas, Herbert D. Barnes was born May 15, 1927, to alcoholic parents and raised in extreme poverty in West Virginia. He enlisted in the U.S. Marine Corps at age 19, writing in his journal that the Marine Corps became his family and his home for two decades where he "slept in warm barracks, had three warm meals a day, had nice clothes, shoes, and a hot shower every day"; and

Whereas, SSGT Herbert D. Barnes left training in Quantico, Virginia, to board the troop ship USS President Adams headed for Trinidad in 1947 when the ship was caught in a typhoon that nearly capsized the vessel, causing him to remember that “I was scared to death that the ship was going to sink”; and

Whereas, SSGT Herbert D. Barnes helped guard the amphibious base in Trinidad where he watched PBY seaplanes land and take off on the water as part of their mission to hunt enemy submarines. He took his next ocean voyage, headed to South Korea, where he fought on the beaches in and around Inchon Harbor. SSGT Herbert D. Barnes and his unit fought their way to Korea’s capital of Seoul where they were targeted by snipers during a 10-day battle; and

Whereas, SSgt Herbert D. Barnes and his fellow Marines dug in for an extremely bloody battle with Red Chinese soldiers in temperatures that dropped as low as 35 degrees below zero. They used sandbags and frozen bodies since it was too cold to dig foxholes for which he and his fellow troops were dubbed the Frozen Chosen; and

Whereas, SSgt Herbert D. Barnes served as a drill instructor during the Vietnam War, a time he rarely discussed with his family. His son remembers his father somberly describing it as the spookiest place he had ever been. SSGT Herbert D. Barnes retired after 20-years in the U.S. Marine Corps earning a WW II Victory Medal, Good Conduct Medal with three stars, Presidential Unit Citation with one star, Korean Service Medal with three stars, and National Defense Service Medal with one star; and

Whereas, Herbert D. Barnes was a member of the VFW, Post 573, and past commander of the Elks and Moose. He died on October 29, 2017, at age 90; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S.M.C. SSGT Herbert “Herbie” Barnes 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 17A282 (17-025/99-000.34), locally known as Camden Street Bridge, over the West Fork River in Harrison County, the “U.S.M.C. SSGT Herbert ‘Herbie’ Barnes Veteran 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.M.C SSGT Herbert “Herbie” Barnes 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 Beach and Caputo offered the following resolution:

Senate Concurrent Resolution 39—Requesting the Division of Highways erect signs at the Marion County borders on I-79 entering Marion County at (39°27’00.8”N) (80°10’33.8”W), and (39°30’27.6”N) (80°07’59.7”W), stating “Birthplace of Alabama Coach Nick Saban”.

Whereas, Nicholas Lou Saban Jr., was born on October 31, 1951, in Fairmont, West Virginia, to Nicholas and Mary Saban; and

Whereas, Nicholas Lou Saban Jr., known throughout his life as “Nick”, attended Monongah High School where he won the 1967 2A State Championship in football as a quarterback alongside United States Senator Joe Manchin; and

Whereas, Upon graduation from Monongah High School, Nick Saban would attend Kent State University on a football scholarship as a starting defensive back for the Golden Flashes from 1970 to 1973; and

Whereas, After completing his bachelor's degree in business, Nick Saban would go on to complete his master's degree in sports administration from Kent State, while working as an assistant coach for the Golden Flashes; and

Whereas, Upon graduation, Nick Saban would be hired as a graduate assistant for Kent State, later serving as an assistant coach at Syracuse in 1977, West Virginia from 1978 -1979, Ohio State from 1980 - 1981, Navy in 1982, Michigan State from 1983 to 1987, and the Houston Oilers of the National Football League (NFL) in 1988; and

Whereas, Nick Saban would be head coach job at Toledo in 1988, where he found quick success which would lead to an offer from the Cleveland Browns of the NFL to become a defensive coordinator for the 1990 season; and

Whereas, After four years in Cleveland, Michigan State would take Nick Saban as their head coach from 1990 to 1999; starting the 1999 season, Nick Saban would become the head coach of Louisiana State University where he would win his first National Championship in the 2003 season and two South Eastern Conference Championships; and

Whereas, in 2004, Nick Saban would leave Louisiana State University, to become the head coach of the Miami Dolphins for the 2005 season, and after a 15-17 record, Nick Saban would be released from Miami; and

Whereas, Nick Saban would be hired by the Alabama Crimson Tide on January 3, 2007, which would lead to six National Championships (2009, 2011, 2012, 2015, 2017, 2020) and seven Eastern Conference Championships (2009, 2012, 2014, 2015, 2016, 2018, 2020); and

Whereas, Nick Saban has a wife, Kristen Saban of 49 years who first saw Nick at a Pop Warner game in Fairmont, and two adopted children, Nicholas and Kristen Saban; and

Whereas, Nick Saban would call on Alabama high schools to help West Virginia schools affected by the 2016 West Virginia floods that took place on June 23-24; and

Whereas, Nick Saban's representation of West Virginia on a national stage should be commemorated by his birthplace being honored on signs on I-79 entering the county; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to erect signs at the Marion County borders on I-79 entering Marion County at (39°27'00.8"N) (80°10'33.8"W), and (39°30'27.6"N) (80°07'59.7"W), stating "Birthplace of Alabama Coach Nick Saban"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "Birthplace of Alabama Coach Nick Saban"; 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.

Senator Takubo offered the following resolution:

Senate Resolution 23—Designating March 2021 as Red Cross Month.

Whereas, March is American Red Cross Month, a special time to honor the kindness of our neighbors who aid families in need every day in West Virginia, across the United States, and around the world. Their dedication touches millions of lives each year as they carry out the organization's 140-year mission of preventing and alleviating suffering; and

Whereas, During the trying times of the coronavirus pandemic, people have stepped up to help others in need, whether it was responding to this year's record-breaking disasters across the country or rolling up their sleeves to give blood when our country faced a severe blood shortage; and

Whereas, Here in West Virginia, families have relied on almost 700 local volunteers for comfort and hope while coping with home fires, floods, and more. Volunteers also helped over 700 families impacted by home fires in West Virginia by addressing their urgent needs like food, lodging, and recovery support; and

Whereas, West Virginia volunteers have supported local families in other ways, too. Last year in West Virginia, the Red Cross collected over 30,000 units of life-saving blood while testing these donations for COVID-19 antibodies and provided nearly 3,000 services to over 1,000 military members, veterans, and their families; and

Whereas, This life-saving work is vital to strengthening our community's resilience. Nearly 200 years since the birth of American Red Cross founder Clara Barton, we dedicate this month of March to all those who continue to advance her noble legacy, and we ask others to join in their commitment to care for people in need; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 2021, as Red Cross Month; and, be it

Further Resolved, That the Senate encourages all West Virginians to reach out and support the humanitarian mission of the Red Cross; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Erica Mani, Regional Chief Executive of the American Red Cross, Central Appalachia Region.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 20, Supporting and celebrating centennial anniversary of Jones Act.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Nelson regarding the adoption of Senate Concurrent Resolution 20 were ordered printed in the Appendix to the Journal.

Senate Concurrent Resolution 29, USMC CPL Harry Edward Dean, Jr., Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 30, William Gregory “Greg” White, PE, Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 31, Frye Brothers Veteran Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 32, Cox Brothers Veteran Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 33, US Army SGT Lewis M. "Mike" Totten Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 34, US Air Force TSGT Franklin A. Bradford Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Resolution 22, Urging Governor to work with congressional members to save jobs and repurpose former Mylan plant in Morgantown.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Caputo, 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 the resolution, and on this question, Senator Romano demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope,

Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 22) adopted.

Thereafter, at the request of Senator Beach, and by unanimous consent, the remarks by Senator Caputo regarding the adoption of Senate Resolution 22 were ordered printed in the Appendix to the Journal.

At the request of Senator Baldwin, unanimous consent being granted, the remarks by Senator Beach regarding the adoption of Senate Resolution 22 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 422, Establishing common law “veil piercing” claims not be used to impose personal liability.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 422 pass?”

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—22.

The nays were: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel—11.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 422) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill 531, Relating to incomplete, duplicative, or redundant claims for refund.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 531) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2021.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope,

Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 531) takes effect July 1, 2021.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill 532, Limiting claims for state tax credits and rebates.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 532) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2021.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips,

Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 532) takes effect July 1, 2021.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Com. Sub. for Senate Bill 626, Updating regulation for purchase of automobile catalytic converters.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, March 18, 2021, for amendments to be received on third reading, was reported by the Clerk.

On motion of Senator Trump, the following amendment to the bill was reported by the Clerk:

By striking out all of section forty-nine-c and inserting in lieu thereof a new section forty-nine-c, to read as follows:

§61-3-49c. Possession of a catalytic converter without documentation of ownership or authority to possess.

(a) As used in this section, catalytic converter means a motor vehicle exhaust emission control that reduces toxic gases and pollutants from an internal combustion engine.

(b) Any person in possession of a catalytic converter which had previously been installed on a motor vehicle, or parts, thereof shall have in his or her possession written documentation of ownership or authorization to possess the catalytic convertor. Any person who

violates this subsection is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$1,000 or confined in jail not more than one year or both fined and confined.

(c) Each catalytic convertor possessed in violation of subsection (b) of this section shall constitute a separate offense.

(d) Any catalytic convertor possessed in violation of subsection (b) of this section is subject to seizure at the time of arrest.

(e) A person possessing a single catalytic convertor in violation of subsection (b) of this section shall for the offense be charged by citation and not subject to arrest for that offense.

(f) Notwithstanding the provisions of subsection (b) of this section, presentation to the court in which charges alleging a violation of said subsection are pending sufficient evidence to show lawful ownership or authority to possess constitutes an absolute defense to the charge or charges.

Following extended discussion,

The question being on the adoption of Senator Trump's amendment to the bill, the same was put and prevailed.

There being no further amendments offered,

The bill, as just amended, was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 626 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: Azinger, Karnes, Martin, and Sypolt—4.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 626) 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 626—A Bill to amend and reenact §61-3-49 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-3-49c, all relating to the purchase and possession of certain scrap metal; updating the regulation of the purchase of automobile catalytic converters; requiring certain evidence and documentation from a seller of an automobile catalytic converter; placing restrictions on the payment for automobile catalytic converters; placing restrictions on the sale or transfer of an automobile catalytic converter by a scrap metal dealer; requiring scrap metal dealer to record identifying information on a catalytic converter; creating the criminal offense of possession of a catalytic converter without proof of ownership or authority to possess; requiring that persons charged with possession of a single catalytic converter are to be charged by citation and not be subject to arrest; establishing an absolute defense to the criminal action; and establishing criminal penalties.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 2709, Providing that the aggregate liability of a surety on a consumer protection bond under the West Virginia Fintech Regulatory Sandbox Program does not exceed the principal sum of the bond.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld,

Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2709) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill 2764, Allow the Division of Financial Institutions to enter into reciprocity agreements with other jurisdictions that operate similar programs to the West Virginia Fintech Sandbox Program.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2764) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 36, Relating to WV Secondary School Activities Commission audits.

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 509, Removing requirement that determination of medical stability be found prior to admission to mental health facility.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 569, Relating to damages for medical monitoring.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Com. Sub. for Senate Bill 636, Requiring certain history and civics courses be taught in schools.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill 2024, Expand use of telemedicine to all medical personnel.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF
THE GOVERNOR, SECRETARY OF STATE, AND
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;
MISCELLANEOUS AGENCIES, COMMISSIONS,
OFFICES, PROGRAMS, ETC.**

**ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES
INSURANCE ACT.**

§5-16-7b. Coverage for telehealth services.

(a) The following terms are defined:

(1) “Distant site” means the telehealth site where the health care practitioner is seeing the patient at a distance or consulting with a patient’s health care practitioner.

(2) “Established patient” means a patient who has received professional services, face-to-face, from the physician, qualified health care professional, or another physician or qualified health care professional of the exact same specialty and subspecialty who belongs to the same group practice, within the past three years.

~~(2)~~ (3) “Health care practitioner” means a person licensed under §30-1-1 *et seq.* of this code who provides health care services.

~~(3)~~ (4) “Originating site” means the location where the patient is located, whether or not accompanied by a health care practitioner, at the time services are provided by a health care practitioner through telehealth, including, but not limited to, a

health care practitioner's office, hospital, critical access hospital, rural health clinic, federally qualified health center, a patient's home, and other nonmedical environments such as school-based health centers, university-based health centers, or the work location of a patient.

(4) (5) "Remote patient monitoring services" means the delivery of home health services using telecommunications technology to enhance the delivery of home health care, including monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose, and other condition-specific data; medication adherence monitoring; and interactive video conferencing with or without digital image upload.

(5) (6) "Telehealth services" means the use of synchronous or asynchronous telecommunications technology or audio only telephone calls by a health care practitioner to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include ~~audio only telephone calls~~, e-mail messages, or facsimile transmissions.

(7) "Virtual telehealth" means a new patient or follow-up patient for acute care that does not require chronic management or scheduled medications.

(b) After July 1, 2020, the plan shall provide coverage of health care services provided through telehealth services if those same services are covered through face-to-face consultation by the policy.

(c) After July 1, 2020, the plan may not exclude a service for coverage solely because the service is provided through telehealth services.

(d) The plan, which issues, renews, amends, or adjusts a plan, policy, contract, or agreement on or after July 1, 2021, shall

provide reimbursement for a telehealth service at a rate negotiated between the provider and the insurance company for virtual telehealth encounters. The plan, which issues, renews, amends, or adjusts a plan, policy, contract, or agreement on or after July 1, 2021, shall provide reimbursement for a telehealth service for an established patient or care rendered on a consulting basis to a patient located in an acute care facility whether inpatient or outpatient on the same basis and at the same rate under a contract, plan, agreement, or policy as if the service is provided through an in-person encounter rather than provided via telehealth.

(e) The plan may not impose any annual or lifetime dollar maximum on coverage for telehealth services other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy, or impose upon any person receiving benefits pursuant to the provisions of or the requirements of this section any copayment, coinsurance, or deductible amounts, or any policy year, calendar year, lifetime, or other durational benefit limitation or maximum for benefits or services, that is not equally imposed upon all terms and services covered under the policy, contract, or plan.

(f) An originating site may charge the plan a site fee.

(g) The coverage required by this section shall include the use of telehealth technologies as it pertains to medically necessary remote patient monitoring services to the full extent that those services are available.

CHAPTER 9. HUMAN SERVICES.

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-28. Requirement for telehealth rates.

The Medicaid plan, which issues, renews, amends, or adjusts a plan, policy, contract, or agreement on or after July 1, 2021, shall provide reimbursement for a telehealth service at a rate negotiated between the provider and the insurance company for virtual telehealth encounters. The Medicaid plan, which issues, renews,

amends, or adjusts a plan, policy, contract, or agreement on or after July 1, 2021, shall provide reimbursement for a telehealth service for an established patient or care rendered on a consulting basis to a patient located in an acute care facility whether inpatient or outpatient on the same basis and at the same rate under a contract, plan, agreement, or policy as if the service is provided through an in-person encounter rather than provided via telehealth.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.

§30-1-26. Telehealth practice.

(a) For the purposes of this section:

“Health care practitioner” means a person licensed under §30-1-1 *et seq.* who provides health care services.

“Interstate telehealth services” means the provision of telehealth services to a patient located in West Virginia by a health care practitioner located in any other state or commonwealth of the United States.

“Registration” means an authorization to practice a health profession regulated by §30-1-1 *et seq.* of this code for the limited purpose of providing interstate telehealth services within the registrant’s scope of practice.

“Telehealth services” means the use of synchronous or asynchronous telecommunications technology or audio only telephone calls by a health care practitioner to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include ~~audio-only telephone calls~~ internet questionnaires, e-mail messages, or facsimile transmissions.

(b) Unless already provided for by statute or legislative rule, a health care board, referred to in §30-1-1 *et seq.* of this code, shall propose a an emergency rule for legislative approval in accordance with the provisions of ~~§29A-3-1~~ §29A-3-15 *et seq.* of this code to regulate telehealth practice by a telehealth practitioner. The proposed rule shall consist of the following:

(1) The practice of the health care service occurs where the patient is located at the time the telehealth technologies are used;

(2) The health care practitioner who practices telehealth ~~must be licensed as provided in this chapter~~ shall be:

(A) Licensed in good standing in the state in which he or she is licensed and not currently under investigation or subject to an administrative complaint; and

(B) Registered as an interstate telehealth practitioner with the appropriate board in West Virginia;

(3) When the health care practitioner-patient relationship is established.

(4) The standard of care for the provision of telehealth services: *Provided*, That the standard of care shall require that with respect to the established patient, the patient shall visit an in-person health care practitioner within 12 months of using the initial telemedicine service or the telemedicine service shall no longer be available to the patient until an in-person visit is obtained: *Provided, however*, That the requirements in this section may be suspended in the event the Governor declares a state of emergency that impacts the public health or in the discretion of the health care practitioner on a case-by-case basis: *Provided* however; That the requirements of this section do not apply to the following services: acute inpatient care, post-operative follow-up checks, behavioral medicine, addiction medicine, or palliative care.

(5) A prohibition of prescribing any controlled substance listed in schedule II drugs Schedule II of the Uniform Controlled Substance Act, unless authorized by another section: *Provided*,

That the prescribing limitations contained in this section do not apply to a physician or a member of the same group practice with an existing physician-patient relationship of at least one year.

(6) Establish the conduct of a registrant for which discipline may be imposed by the board of registration.

(7) Establish a fee, not to exceed the amount to be paid by a licensee, to be paid by the interstate telehealth practitioner registered in the state.

(8) A reference to the Board's discipline process.

(c) A registration issued pursuant to the provisions of or the requirements of this section does not authorize a health care professional to practice from a physical location within this state without first obtaining appropriate licensure.

(d) By accepting a registration to provide interstate telehealth services to patients in this state, a health care practitioner is subject to:

(1) The laws regarding the profession in this state, including the state judicial system and all professional conduct rules and standards incorporated into the health care practitioner's practice act and the legislative rules of registering board; and

(2) The jurisdiction of the board with which he or she registers to provide interstate telehealth services, including such board's complaint, investigation, and hearing process.

(e) A health care professional who registers to provide interstate telehealth services pursuant to the provisions of or the requirements of this section shall immediately notify the board where he or she is registered in West Virginia and of any restrictions placed on the individual's license to practice in any state or jurisdiction.

(f) A person currently licensed in this state is not subject to registration but shall practice telehealth in accordance with the provisions of this section and the rules promulgated thereunder.

ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-13a. Telemedicine practice; requirements; exceptions; definitions; rule-making.

(a) *Definitions.* – For the purposes of this section:

(1) “Chronic nonmalignant pain” means pain that has persisted after reasonable medical efforts have been made to relieve the pain or cure its cause and that has continued, either continuously or episodically, for longer than three continuous months. “Chronic nonmalignant pain” does not include pain associated with a terminal condition or illness or with a progressive disease that, in the normal course of progression, may reasonably be expected to result in a terminal condition or illness.

(2) “Physician” means a person licensed or registered by the West Virginia Board of Medicine to practice allopathic medicine in West Virginia.

(3) “Store and forward telemedicine” means the asynchronous computer-based communication of medical data or images from an originating location to a physician or podiatrist at another site for the purpose of diagnostic or therapeutic assistance.

(4) “Telemedicine” means the practice of medicine using tools such as electronic communication, information technology, store and forward telecommunication, audio only telephone calls, or other means of interaction between a physician or podiatrist in one location and a patient in another location, with or without an intervening health care provider.

(5) “Telemedicine technologies” means technologies and devices which enable secure ~~electronic~~ communications and information exchange in the practice of telemedicine, and typically

involve the application of secure real-time audio/video conferencing or similar secure video services, remote monitoring or store and forward digital image technology, or audio only telephone calls to provide or support health care delivery by replicating the interaction of a traditional in-person encounter between a physician or podiatrist and a patient.

(b) *Licensure or registration.* –

(1) The practice of medicine occurs where the patient is located at the time the telemedicine technologies are used.

(2) A physician or podiatrist who practices telemedicine must be licensed as provided in this article or registered as provided in §30-1-1 et seq. of this code.

(3) This section does not apply to:

(A) An informal consultation or second opinion, at the request of a physician or podiatrist who is licensed to practice medicine or podiatry in this state: *Provided*, That the physician or podiatrist requesting the opinion retains authority and responsibility for the patient's care; and

(B) Furnishing of medical assistance by a physician or podiatrist in case of an emergency or disaster, if no charge is made for the medical assistance.

(c) *Physician-patient or podiatrist-patient relationship through telemedicine encounter.* –

(1) A physician-patient or podiatrist-patient relationship may not be established through:

~~(A) Audio only communication;~~

~~(B) Text-based communications such as e-mail, Internet questionnaires, text-based messaging, or other written forms of communication; or.~~

~~(C) Any combination thereof.~~

(2) If an existing physician-patient or podiatrist-patient relationship does not exist prior to the utilization to telemedicine technologies, or if services are rendered solely through telemedicine technologies, a physician-patient or podiatrist-patient relationship may only be established:

(A) Through the use of telemedicine technologies which incorporate interactive audio using store and forward technology, real-time videoconferencing, or similar secure video services during the initial physician-patient or podiatrist-patient encounter;
or

(B) For the practice of pathology and radiology, a physician-patient relationship may be established through store and forward telemedicine or other similar technologies; or

(C) Through the use of audio-only calls or conversations that occur in real time. Patient communication though audio-visual communication is preferable, if available or possible. Audio-only calls or conversations that occur in real time may be used to establish the physician-patient relationship.

(3) Once a physician-patient or podiatrist-patient relationship has been established, either through an in-person encounter or in accordance with subdivision (2) of this subsection, the physician or podiatrist may utilize any telemedicine technology that meets the standard of care and is appropriate for the patient presentation.

(d) *Telemedicine practice.* –

A physician or podiatrist using telemedicine technologies to practice medicine or podiatry shall:

(1) Verify the identity and location of the patient;

(2) Provide the patient with confirmation of the identity and qualifications of the physician or podiatrist;

(3) Provide the patient with the physical location and contact information of the physician;

(4) Establish or maintain a physician-patient or podiatrist-patient relationship that conforms to the standard of care;

(5) Determine whether telemedicine technologies are appropriate for the patient presentation for which the practice of medicine or podiatry is to be rendered;

(6) Obtain from the patient appropriate consent for the use of telemedicine technologies;

(7) Conduct all appropriate evaluations and history of the patient consistent with traditional standards of care for the patient presentation;

(8) Create and maintain health care records for the patient which justify the course of treatment and which verify compliance with the requirements of this section; and

(9) The requirements of §30-3-13(a)(1) through §30-3-13(a)(8) of this code do not apply to the practice of pathology or radiology medicine through store and forward telemedicine.

(e) *Standard of care.* –

The practice of medicine or podiatry provided via telemedicine technologies, including the establishment of a physician-patient or podiatrist-patient relationship and issuing a prescription via electronic means as part of a telemedicine encounter, are subject to the same standard of care, professional practice requirements and scope of practice limitations as traditional in-person physician-patient or podiatrist-patient encounters. Treatment, including issuing a prescription, based solely on an online questionnaire, does not constitute an acceptable standard of care.

(f) *Patient records.* –

The patient record established during the use of telemedicine technologies shall be accessible and documented for both the physician or podiatrist and the patient, consistent with the laws and legislative rules governing patient health care records. All laws governing the confidentiality of health care information and governing patient access to medical records shall apply to records of practice of medicine or podiatry provided through telemedicine technologies. A physician or podiatrist solely providing services using telemedicine technologies shall make documentation of the encounter easily available to the patient, and subject to the patient's consent, to any identified care provider of the patient.

(g) *Prescribing limitations.* –

(1) A physician or podiatrist who practices medicine to a patient solely through the utilization of telemedicine technologies may not prescribe to that patient any controlled substances listed in Schedule II of the Uniform Controlled Substances Act: *Provided, That the prescribing limitations contained in this section do not apply to a physician or a member of the same group practice with an existing physician-patient relationship of at least one year.*

(2) The prescribing limitations in this subsection do not apply when a physician is providing treatment to patients who are minors, or if 18 years of age or older, who are enrolled in a primary or secondary education program and are diagnosed with intellectual or developmental disabilities, neurological disease, Attention Deficit Disorder, Autism, or a traumatic brain injury in accordance with guidelines as set forth by organizations such as the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, or the American Academy of Pediatrics. The physician must maintain records supporting the diagnosis and the continued need of treatment.

(3) The prescribing limitations in this subsection do not apply to a hospital, excluding the emergency department, when a physician submits an order to dispense a controlled substance, listed in Schedule II of the Uniform Controlled Substances Act, to a hospital patient for immediate administration in a hospital.

(4) A physician or podiatrist may not prescribe any pain-relieving controlled substance listed in ~~Schedules~~ Schedule II through V of the Uniform Controlled Substance Act as part of a course of treatment for chronic nonmalignant pain solely based upon a telemedicine encounter-: Provided, That the prescribing limitations contained in this section do not apply to a physician or a member of the same group practice with an existing physician-patient relationship of at least one year.

(5) A physician or health care provider may not prescribe any drug with the intent of causing an abortion. The term “abortion” has the same meaning ascribed to it in §16-2F-2 of this code.

(h) *Exceptions.* –

This article does not prohibit the use of audio-only or text-based communications by a physician or podiatrist who is:

(1) Responding to a call for patients with whom a physician-patient or podiatrist-patient relationship has been established through an in-person encounter by the physician or podiatrist;

(2) Providing cross coverage for a physician or podiatrist who has established a physician-patient or podiatrist-patient relationship with the patient through an in-person encounter; or

(3) Providing medical assistance in the event of an emergency.

(i) *Rulemaking.* –

The West Virginia Board of Medicine and West Virginia Board of Osteopathic Medicine may propose joint rules for legislative approval in accordance with §29A-3-1 ~~et seq.~~, of this code to implement standards for and limitations upon the utilization of telemedicine technologies in the practice of medicine and podiatry in this state.

(j) *Preserving traditional physician-patient or podiatrist-patient relationship.* –

Nothing in this section changes the rights, duties, privileges, responsibilities, and liabilities incident to the physician-patient or podiatrist-patient relationship, nor is it meant or intended to change in any way the personal character of the physician-patient or podiatrist-patient relationship. This section does not alter the scope of practice of any health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.

ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.

§30-14-12d. Telemedicine practice; requirements; exceptions; definitions; rulemaking.

(a) *Definitions.* – For the purposes of this section:

(1) “Chronic nonmalignant pain” means pain that has persisted after reasonable medical efforts have been made to relieve the pain or cure its cause and that has continued, either continuously or episodically, for longer than three continuous months. “Chronic nonmalignant pain” does not include pain associated with a terminal condition or illness or with a progressive disease that, in the normal course of progression, may reasonably be expected to result in a terminal condition or illness.

(2) “Physician” means a person licensed or registered by the West Virginia Board of Osteopathic Medicine to practice osteopathic medicine in West Virginia.

(3) “Store and forward telemedicine” means the asynchronous computer-based communication of medical data or images from an originating location to a physician at another site for the purpose of diagnostic or therapeutic assistance.

(4) “Telemedicine” means the practice of medicine using tools such as electronic communication, information technology, store and forward telecommunication, audio only telephone calls, or other means of interaction between a physician in one location and a patient in another location, with or without an intervening health care provider.

(5) “Telemedicine technologies” means technologies and devices which enable secure ~~electronic~~ communications and information exchange in the practice of telemedicine, and typically involve the application of secure real-time audio/video conferencing or similar secure video services, remote monitoring or store and forward digital image technology, or audio only telephone calls, to provide or support health care delivery by replicating the interaction of a traditional in-person encounter between a physician and a patient.

(b) *Licensure or registration.* –

(1) The practice of medicine occurs where the patient is located at the time the telemedicine technologies are used.

(2) A physician who practices telemedicine must be licensed as provided in this article or registered as provided in §30-1-1 et seq. of this code.

(3) This section does not apply to:

(A) An informal consultation or second opinion, at the request of a physician who is licensed to practice medicine in this state: *Provided*, That the physician requesting the opinion retains authority and responsibility for the patient’s care; and

(B) Furnishing of medical assistance by a physician in case of an emergency or disaster if no charge is made for the medical assistance.

(c) *Physician-patient relationship through telemedicine encounter.* –

(1) A physician-patient relationship may not be established through:

~~(A) Audio only communication;~~

~~(B)~~ Text-based communications such as e-mail, Internet questionnaires, text-based messaging, or other written forms of communication; ~~or.~~

~~(C) Any combination thereof.~~

(2) If an existing physician-patient relationship is not present prior to the utilization to telemedicine technologies, or if services are rendered solely through telemedicine technologies, a physician-patient relationship may only be established:

(A) Through the use of telemedicine technologies which incorporate interactive audio using store and forward technology, real-time videoconferencing, or similar secure video services during the initial physician-patient encounter; ~~or~~

(B) For the practice of pathology and radiology, a physician-patient relationship may be established through store and forward telemedicine or other similar technologies; or

(C) Through the use of audio-only calls or conversations that occur in real time. Patient communication though audio-visual communication is preferable, if available or possible. Audio-only calls or conversations that occur in real time may be used to establish the physician-patient relationship.

(3) Once a physician-patient relationship has been established, either through an in-person encounter or in accordance with subdivision (2) of this subsection, the physician may utilize any telemedicine technology that meets the standard of care and is appropriate for the patient presentation.

(d) *Telemedicine practice.* – A physician using telemedicine technologies to practice medicine shall:

(1) Verify the identity and location of the patient;

(2) Provide the patient with confirmation of the identity and qualifications of the physician;

(3) Provide the patient with the physical location and contact information of the physician;

(4) Establish or maintain a physician-patient relationship which conforms to the standard of care;

(5) Determine whether telemedicine technologies are appropriate for the patient presentation for which the practice of medicine is to be rendered;

(6) Obtain from the patient appropriate consent for the use of telemedicine technologies;

(7) Conduct all appropriate evaluations and history of the patient consistent with traditional standards of care for the patient presentation;

(8) Create and maintain health care records for the patient which justify the course of treatment and which verify compliance with the requirements of this section; and

(9) The requirements of §30-3-13(a)(1) through §30-3-13(a)(8) of this code do not apply to the practice of pathology or radiology medicine through store and forward telemedicine.

(e) *Standard of care.* –

The practice of medicine provided via telemedicine technologies, including the establishment of a physician-patient relationship and issuing a prescription via electronic means as part of a telemedicine encounter, are subject to the same standard of care, professional practice requirements, and scope of practice limitations as traditional in-person physician-patient encounters. Treatment, including issuing a prescription, based solely on an online questionnaire does not constitute an acceptable standard of care.

(f) *Patient records.* –

The patient record established during the use of telemedicine technologies shall be accessible and documented for both the physician and the patient, consistent with the laws and legislative rules governing patient health care records. All laws governing the confidentiality of health care information and governing patient access to medical records shall apply to records of practice of medicine provided through telemedicine technologies. A physician solely providing services using telemedicine technologies shall make documentation of the encounter easily available to the patient, and subject to the patient's consent, to any identified care provider of the patient.

(g) *Prescribing limitations.* –

(1) A physician or podiatrist who practices medicine to a patient solely through the utilization of telemedicine technologies may not prescribe to that patient any controlled substances listed in Schedule II of the Uniform Controlled Substances Act; *Provided, That the prescribing limitations contained in this section do not apply to a physician or a member of the same group practice with an existing physician-patient relationship of at least one year.*

(2) The prescribing limitations in this subsection do not apply when a physician is providing treatment to patients who are minors, or if 18 years of age or older, who are enrolled in a primary or secondary education program and are diagnosed with intellectual or developmental disabilities, neurological disease, Attention Deficit Disorder, Autism, or a traumatic brain injury in accordance with guidelines as set forth by organizations such as the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, or the American Academy of Pediatrics. The physician must maintain records supporting the diagnosis and the continued need of treatment.

(3) The prescribing limitations in this subsection do not apply to a hospital, excluding the emergency department, when a physician submits an order to dispense a controlled substance, listed in Schedule II of the Uniform Controlled Substances Act, to a hospital patient for immediate administration in a hospital.

(4) A physician or podiatrist may not prescribe any pain-relieving controlled substance listed in ~~Schedules~~ Schedule II through V of the Uniform Controlled Substance Act as part of a course of treatment for chronic nonmalignant pain solely based upon a telemedicine encounter-: Provided, That the prescribing limitations contained in this section do not apply to a physician or a member of the same group practice with an existing physician-patient relationship of at least one year.

(5) A physician or health care provider may not prescribe any drug with the intent of causing an abortion. The term “abortion” has the same meaning ascribed to it in §16-2F-2 of this code.

(h) *Exceptions.* –

This section does not prohibit the use of audio-only or text-based communications by a physician who is:

(1) Responding to a call for patients with whom a physician-patient relationship has been established through an in-person encounter by the physician;

(2) Providing cross coverage for a physician who has established a physician-patient or relationship with the patient through an in-person encounter; or

(3) Providing medical assistance in the event of an emergency.

(i) *Rulemaking.* –

The West Virginia Board of Medicine and West Virginia Board of Osteopathic Medicine may propose joint rules for legislative approval in accordance with §29A-3-1 *et seq.*, of this code to implement standards for and limitations upon the utilization of telemedicine technologies in the practice of medicine in this state. The West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code to implement the provisions of the bill passed during the 2021 session of the Legislature.

(j) *Preservation of the traditional physician-patient relationship.* –

Nothing in this section changes the rights, duties, privileges, responsibilities, and liabilities incident to the physician-patient relationship, nor is it meant or intended to change in any way the personal character of the physician-patient relationship. This section does not alter the scope of practice of any health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.

CHAPTER 33. INSURANCE.

ARTICLE 57. REQUIRED COVERAGE FOR HEALTH INSURANCE.

§33-57-1. Coverage of telehealth services.

(a) The following terms are defined:

(1) “Distant site” means the telehealth site where the health care practitioner is seeing the patient at a distance or consulting with a patient’s health care practitioner.

(2) “Established patient” means a patient who has received professional services, face-to-face, from the physician, qualified health care professional, or another physician or qualified health care professional of the exact same specialty and subspecialty who belongs to the same group practice, within the past three years.

~~(2)~~ (3) “Health care practitioner” means a person licensed under §30-1-1 *et seq.* of this code who provides health care services.

~~(3)~~ (4) “Originating site” means the location where the patient is located, whether or not accompanied by a health care practitioner, at the time services are provided by a health care practitioner through telehealth, including, but not limited to, a health care practitioner’s office, hospital, critical access hospital, rural health clinic, federally qualified health center, a patient’s

home, and other nonmedical environments such as school-based health centers, university-based health centers, or the work location of a patient.

(4) (5) “Remote patient monitoring services” means the delivery of home health services using telecommunications technology to enhance the delivery of home health care, including monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose, and other condition-specific data; medication adherence monitoring; and interactive video conferencing with or without digital image upload.

(5) (6) “Telehealth services” means the use of synchronous or asynchronous telecommunications technology or audio only telephone calls by a health care practitioner to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include ~~audio only telephone calls~~ e-mail messages or facsimile transmissions.

(7) “Virtual telehealth” means a new patient or follow-up patient for acute care that does not require chronic management or scheduled medications.

(b) Notwithstanding the provisions of §33-1-1 *et seq.* of this code, an insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code which issues or renews a health insurance policy on or after July 1, 2020, shall provide coverage of health care services provided through telehealth services if those same services are covered through face-to-face consultation by the policy.

(c) An insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code which issues or renews a health insurance policy on or after July 1, 2020, may not exclude a service for coverage solely because the service is provided through telehealth services.

(d) An insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code which issues, renews, amends, or adjusts a plan, policy, contract, or agreement on or after July 1, 2021, shall provide reimbursement for a telehealth service at a rate negotiated between the provider and the insurance company for the virtual telehealth encounter. An insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code which issues, renews, amends, or adjusts a plan, policy, contract, or agreement on or after July 1, 2021, shall provide reimbursement for a telehealth service for an established patient or care rendered on a consulting basis to a patient located in an acute care facility whether inpatient or outpatient on the same basis and at the same rate under a contract, plan, agreement, or policy as if the service is provided through an in-person encounter rather than provided via telehealth.

(e) An insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code may not impose any annual or lifetime dollar maximum on coverage for telehealth services other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy, or impose upon any person receiving benefits pursuant to the provisions of or the requirements of this section any copayment, coinsurance, or deductible amounts, or any policy year, calendar year, lifetime, or other durational benefit limitation or maximum for benefits or services, that is not equally imposed upon all terms and services covered under the policy, contract, or plan.

(f) An originating site may charge an insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code a site fee.

(g) The coverage required by this section shall include the use of telehealth technologies as it pertains to medically necessary remote patient monitoring services to the full extent that those services are available.

Following discussion,

The question being on the adoption of the Health and Human Resources committee amendment to the bill, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 2024), as amended, was then ordered to third reading.

Eng. House Bill 2701, Relating to authorizing the Division of Rehabilitation Services to approve acceptable training programs required for low vision individuals to obtain a Class G drivers license.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 2788, Expiring funds to the unappropriated surplus balance from State Excess Lottery Revenue Fund.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 2789, Supplementing and amending the appropriations to Public Defender Services.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 2802, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Emergency Management.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 2803, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 2804, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

(Senator Swope in the Chair.)

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

Com. Sub. for Senate Bill 395, Expanding PEIA Finance Board membership.

Com. Sub. for Senate Bill 398, Limiting eligibility of certain employers to participate in PEIA plans.

Com. Sub. for Senate Bill 478, Permitting use of established federal marketplace programs to purchase supplies.

Com. Sub. for Senate Bill 479, Relating to WV veterans service decoration and WV Service Cross.

Com. Sub. for Senate Bill 586, Providing WV veterans discounts on fees and charges at state parks.

And,

Eng. House Bill 2905, Relating to repealing the prohibition against the use of certain words.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Roberts, Maynard, and Takubo.

The Senate then proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on March 18, 2021:

Senate Bill 77: Senator Lindsay;

Senate Bill 82: Senator Lindsay;

Senate Bill 361: Senator Woodrum;

Senate Bill 446: Senator Grady;

Senate Bill 486: Senator Woodrum;

Senate Bill 567: Senator Grady;

Senate Bill 583: Senator Woelfel;

Senate Bill 610: Senator Plymale;

Senate Bill 657: Senator Grady;

Senate Bill 658: Senators Baldwin, Woodrum, Romano, Rucker, Lindsay, and Phillips;

Senate Bill 659: Senators Stollings and Plymale;

Senate Bill 662: Senator Stollings;

Senate Bill 665: Senators Rucker, Swope, Smith, and Lindsay;

Senate Concurrent Resolution 31: Senator Caputo;

And,

Senate Resolution 22: Senator Beach.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Takubo, at 11:37 a.m., the Senate adjourned until Monday, March 22, 2021, at 11 a.m.

MONDAY, MARCH 22, 2021

The Senate met at 11:03 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Ralph Coleman, Senate Assistant Doorkeeper, Big Chimney, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Tom Takubo, a senator from the seventeenth district.

Pending the reading of the Journal of Friday, March 19, 2021,

At the request of Senator Baldwin, 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.

Senator Blair (Mr. President) announced that, under the provisions of Senate Resolution 6 (*Adopting special rule of order relating to proxy voting due to COVID-19 pandemic*) adopted

February 22, 2021, Senators Martin and Sypolt had been approved to vote by proxy and that Senator Takubo had been designated to vote on their behalf.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 469, Permitting and establishing requirements for appearance by video for purpose of notarial acts.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 2009, Relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities.

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 2174—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-8c, relating to the West Virginia Monument and Memorial Protection Act of 2020; prohibiting the relocation, removal, alteration, renaming, rededication, or other disturbance of any statue, monument, memorial, nameplate, or plaque which is located on public property and has been erected for, or named, or dedicated in honor of certain historical military, civil rights, natural disasters or accidents, and Native American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas; and authorizing the West Virginia State

Historic Preservation Office to grant waivers under certain circumstances.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 2372, Allow pre-candidacy papers to be filed the day after the general election.

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 2496—A Bill to repeal §11-3-24b and §11-3-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-3-15c, §11-3-15f, §11-3-15h, §11-3-15i, §11-3-23, §11-3-23a, §11-3-24, §11-3-24a, §11-3-25a, and §11-3-32 of said code; and to amend and reenact §11-10A-1, §11-10A-7, §11-10A-8, §11-10A-10, and §11-10A-19 of said code, all generally relating to assessments and appellate rights of property owners concerning valuation, classification, and taxability of real estate and personal property taxation; providing that residential property owners may not be required to furnish a formal appraisal to establish the value of their primary residence; providing that an assessor's review is to be an informal process and defining the standard of proof which a taxpayer must meet to be no greater than a preponderance of the evidence; expanding the jurisdiction of the Office of Tax Appeals to include property tax valuation, classification, and taxability; providing that if an assessor rejects a petition, the petitioner may appeal to the county Board of Equalization and Review or the Office of Tax Appeals; allowing for certain appeals from decisions of the Tax Commissioner and Board of Equalization and Review to the Office of Tax Appeals; repealing and eliminating the Board of Assessment Appeals; providing for an increase in the number of administrative law

judges and staff attorneys within the Office of Tax Appeals; providing for an effective date; and making technical changes.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

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 2499—A Bill to amend and reenact §11-6F-2 and §11-13S-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §11-13KK-1, §11-13KK-2, §11-13KK-3, §11-13KK-4, §11-13KK-5, §11-13KK-6, §11-13KK-7, §11-13KK-8, §11-13KK-9, §11-13KK-10, §11-13KK-11, §11-13KK-12, §11-13KK-13, §11-13KK-14, §11-13KK-15, §11-13KK-16, §11-13KK-17, and adding thereto a new section designated §11-15-9t, all relating generally to taxation for the manufacturing, sale, and use of certain defined products to encourage economic growth; amending the definition of qualified capital addition to a manufacturing facility for purposes of special method for appraising qualified capital additions for property tax purposes; amending the formula for calculating the manufacturing investment tax credit amount allowed for manufacturing investment to include small arms ammunition manufacturing and small arms, ordinance and ordinance accessories manufacturing; increasing the amount of such allowable credit for said industries; creating the West Virginia Tax Credit For Federal Excise Tax Imposed Upon Small Arms And Ammunition Manufacturers; providing for administration and enforcement of the tax credit; making legislative findings; stating legislative purpose; defining terms; specifying an amount of credit allowable based upon the amount of federal excise tax paid, providing limitations based upon qualified investment amount; providing conditions for qualification and use; defining in service or use; providing for the application of the credit to the corporate net income tax and the personal income tax, as appropriate; providing for methods of calculation of the qualified investment; providing for carry over

and forfeiture of unused tax credits; providing limitations for credits being carried over; allowing transfer of qualified investment property without forfeiture under certain circumstances; requiring identification of qualified investment property and record keeping; providing civil and criminal penalties for failure to keep required records; providing for interpretation and construction; requiring timely filing of application for credit; specifying burden of proof; requiring periodic tax credit review and accountability reports; authorizing rulemaking; making credit subject to West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; providing for severability; and exempting sales of certain defined small arms and small arms ammunition from state sales and use taxes and providing effective dates, and removing obsolete code concerning the business franchise tax.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

Eng. Com. Sub. for House Bill 2616, Amend the reporting to the Governor and the Legislature to have information continuously available on the Office of Health Facility Licensure and Certification's website.

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 2633—A Bill to amend and reenact §19-1-2, §19-1-3a, and §19-1-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-1C-2, §19-1C-3, and §19-1C-4 of said code; to amend said code by adding thereto a new section, designated §19-1C-7; to amend and reenact §19-9A-2 of said code; to amend and reenact §19-12A-5 of said code; to amend and reenact §19-14-1, §19-14-2, §19-14-3, §19-14-5, §19-14-6, §19-14-7, §19-14-8, §19-14-9, §19-14-10, §19-14-11,

§19-14-12, and §19-14-14 of said code; to amend said code by adding thereto a new section, designated §19-14-16; to amend and reenact §19-21A-1, §19-21A-3, §19-21A-4, and §19-21A-8 of said code; to amend and reenact §19-25-1, §19-25-2, and §19-25-5 of said code; to amend and reenact §19-31-1 of said code; to amend and reenact §19-35-1, §19-35-2, §19-35-3, §19-35-4, §19-35-5, and §19-35-6 of said code; to amend said code by adding thereto two new sections, designated §19-35-3a and §19-35-3b; to amend and reenact §19-37-2 of said code; and to amend said code by adding thereto a new article, designated §19-38-1, §19-38-2, §19-38-3, §19-38-4, and §19-38-5, all relating to the 2021 Farm Bill; eliminating the requirement that the commissioner must be a farmer; eliminating requirement that certain duties of the department rest in a particular division; classifying materials received by the department in furtherance of its economic development duties and for the purpose of furnishing assistance to a new or existing business as confidential and exempt from disclosure under the Freedom of Information Act; clarifying role of department in economic development; clarifying that raw milk can be sold for purposes other than human consumption; defining terms related to the care of livestock; providing that commissioner of agriculture appoint members of Livestock Care Standards Board; directing commissioner to select members for board; modifying membership of board; granting commissioner authority to promulgate certain legislative rules in consultation with board; classifying complaints and related communications regarding inhumane treatment of livestock as confidential and exempt from disclosure under the Freedom of Information Act; directing board to review proposed rules on livestock care standards and provide recommendation to legislative rule-making review committee; directing commissioner of agriculture to administer and enforce established standards; defining scope of said administration and enforcement authority; authorizing commissioner to provide opinions to law-enforcement officers about application of livestock care standards; directing law-enforcement officers to notify commissioner of certain complaints and investigations; authorizing law-enforcement officers to seek advice of commissioner concerning application of livestock care standards; requiring commissioner to notify law-enforcement officers of changes made

during 2021 Regular Legislative session; eliminating fee for permit to feed untreated garbage to swine; removing outdated language regarding procedures for leasing of farmland; authorizing the cancellation of certain leases; amending name of West Virginia Commercial Feed Law; defining and amending terms related to commercial feed; modifying powers and duties of commissioner; eliminating requirement to publish annual composite report; eliminating specific fee amounts in statute; modifying application deadlines, timelines and permit expiration dates; setting forth requirements for individuals to possess Commercial Feed Manufacturing Permit, Commercial Feed Distributor Permit, and Commercial Feed Guarantor Permit; eliminating requirement to register commercial feed products; establishing registration requirements for pet food and specialty pet food; requiring new application for registration in certain circumstances; identifying situations in which commissioner may refuse to grant, suspend, or revoke permits or registrations; providing opportunities and procedures for applicants, permittees or registrants to amend application and appeal adverse determinations; providing for review of commissioner's decisions; establishing labeling requirements; modifying requirements for tonnage reports and inspection fees; authorizing commissioner to inspect certain tonnage records; defining adulteration of commercial feed or feed ingredients; defining misbranding of commercial feed; make technical modifications; defining additional prohibited acts; establishing requirements for distribution of raw milk as commercial feed; authorizing establishment of analytical variation regulations; authorizing penalties for excessive deviations; providing for penalties to be returned to purchasers where possible; authorizing late payment penalties; expanding scope of authority for West Virginia Conservation Agency and State Conservation Committee to address water quality issues; modifying legislative determinations; defining terms related to conservation; expanding duties and powers of State Conservation Committee; eliminating outdated language; expanding scope of authority for conservation districts; limiting liability of landowner who invites or permits persons to enter for agricultural purposes; defining agricultural purposes; clarifying ownership of Guthrie Center; stating legislative findings and purpose related to farmers markets and

cottage foods; defining terms related to farmers markets and cottage foods; eliminating certain definitions; establishing requirements for farmers market registration; providing that registration be conspicuously displayed; clarifying that certain farmers markets are not required to obtain food establishment permit; providing for department to establish sampling regulations; authorizing penalties against non-compliant farmers markets; requiring farmers market vendors to obtain vendor permit from department; providing that farmers market vendor permit is valid in all counties; establishing requirements for farmers market vendor permits; clarifying that farmers market vendors are not required to obtain food establishment permit; exempting certain vendors from obtaining vendor permit; directing department to establish conditions and procedures for issuance of vendor permits; authorizing inspections and additional license or certifications as condition of issuing vendor permits; requiring vendor permits be displayed in a conspicuous manner; authorizing penalties against non-compliant farmers market vendors; clarifying role of local health departments in farmers markets; prohibiting local health department from requiring food establishment permits for farmers markets or vendors except for consignment farmers markets; authorizing certain actions by local health departments at farmers markets; requiring all actions by local health departments at farmers markets to be done in consultation with department of agriculture; directing department to promulgate rules; eliminating certain requirements for promulgation of legislative rules; establishing requirements for regulation of potentially hazardous foods; requiring vendors of potentially hazardous foods to obtain vendor permit; directing department to establish requirements for obtaining vendor permits; eliminating certain labeling requirements; establishing requirements for sale of nonpotentially hazardous foods; expanding permissible kitchens for nonpotentially hazardous foods; expanding West Virginia Fresh Food Act to include milk and other dairy products, expanding West Virginia Fresh Food Act to include other foods grown, produced, or processed by in-state producers; directing commissioner to establish criteria for food or food products to satisfy in-state requirement; directing commissioner to establish criteria for determining when exception or exemption should be granted to

state institutions; requiring contracting entity to ensure that all contracts related to the purchase of food include provisions to ensure compliance with Fresh Food Act; establishing Agriculture Investment Program; setting forth legislative findings and purpose; defining terms related to the Agriculture Investment Fund; establishing fund in State Treasury; defining source of funds and permissible expenditures from fund; authorizing West Virginia Agriculture Investment Program; providing for program administration; authorizing either grants or loans from the fund; establishing certain criteria for awarding grants or loans; authorizing commissioner to establish committee to assist in program administration; and directing commissioner to propose legislative rules for program.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, to take effect July 1, 2021, of

Eng. Com. Sub. for House Bill 2682, Relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements.

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 2742—A Bill to amend and reenact §17B-2-13 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to transact a change of address online for a driver's license or identification card.

Referred to the Committee on Transportation and Infrastructure.

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 2777—A Bill to repeal §8-13-6 of the Code of West Virginia, 1931, as amended, relating to the repeal of the municipal amusement tax.

Referred to the Committee on Finance.

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 2782—A Bill to repeal §8-13-10 of the Code of West Virginia, 1931, as amended, relating to domestic animal tax.

Referred to the Committee on Finance.

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 2808—A Bill to amend and reenact §11-13A-2 of the Code of West Virginia, 1931, as amended, relating to modifying the definition of minerals as to eliminate salt produced for human consumption from being subject to severance taxation.

Referred to the Committee on Finance.

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 2823—A Bill to amend and reenact §15A-11-3 and §15A-11-5 of the Code of West Virginia, 1931, as amended, relating to exempting buildings or structures utilized primarily for agricultural purposes from the provisions of the State Building Code and State Fire Code; exempting buildings

or structures used exclusively for agricultural purposes from any county or municipal building code or ordinance that is adopted or may be adopted; defining the term “agricultural purposes”; requiring any county or municipality that adopts a property maintenance code or ordinance to exempt all property used primarily for agricultural purposes.

Referred to the Committee on Agriculture and Rural Development.

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 2914—A Bill to amend and reenact §29-1-5 of the Code of West Virginia, 1931, as amended, relating to the Archives and History Commission; removing ex officio voting members; and update formatting.

Referred to the Committee on Government Organization.

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 3130—A Bill to amend §24A-2-2b of the Code of West Virginia, 1931, as amended, relating to prohibiting the Public Service Commission from promulgating rules or regulations requiring wrecker companies to permit the registered owner of a towed vehicle to access the vehicle without a fee to retrieve his or her personal property; to restricting the Public Service Commission from promulgating rules requiring wrecker companies to destroy abandoned vehicles in lieu of selling such vehicles; eliminating the sunset provisions for rules promulgated concerning towing rates; to eliminating the provision relating to review of those rules by the legislative auditor; and other technical corrections.

Referred to the Committee on the Judiciary.

At the request of Senator Plymale, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 22nd day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 295), Relating generally to economic development loans and loan insurance issued by state.

And,

(S. B. 404), Modifying well work permits issued by DEP Office of Oil and Gas.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Dean Jeffries,
Chair, House Committee.

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 483, Allowing oaths be taken before any person authorized to administer oaths.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 483 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §44-1-1, §44-1-3, and §44-1-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §44-1-31, all relating to allowing an oath to be taken before any person authorized to administer oaths under laws of this state or any other state; and allowing a bond to be executed before any person authorized to administer oaths under the law of this state or any other state.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 2007, Provide for occupational licenses or other authorization to practice by recognition for qualified applicants from other states.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Government Organization pending.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2400, Authorizing the Department of Transportation to promulgate legislative rules.

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:

By Senator Rucker:

Senate Bill 680—A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to allowing the State Superintendent of Schools to define classroom teachers certified in special education.

Referred to the Committee on Education.

By Senator Martin:

Senate Bill 681—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-

32-1, §22-32-2, §22-32-3, §22-32-4, and §22-32-5, all relating generally to creating the Natural Resources Anti-Commandeering Act; stating legislative findings; prohibiting agencies of this state and political subdivisions or employees thereof from knowingly and willingly participating in the enforcement of any federal act, law, order, rule, or regulation relating to coal, oil, gas, timber, or other extractive resources which do not exist under the laws of this state; prohibiting assets or funds of the state from being used in activity assisting enforcement of any federal act, law, order, rule, or regulation relating to coal, oil, gas, timber, or other extractive resources which do not exist under the laws of this state; providing penalties therefore; and providing for severability.

Referred to the Committee on the Judiciary.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 682—A Bill supplementing and amending Chapter 11 , Acts of the Legislature, Regular Session, 2020, known as the Budget Bill, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2021, organization 0307; the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2021, organization 0402, and the Bureau of Senior Services, Bureau of Senior Services, fund 0420, fiscal year 2021, organization 0508; and to Executive, Governor’s Office – Civil Contingent Fund, fund 0105, fiscal year 2021, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Woodrum:

Senate Bill 683—A Bill to amend and reenact §7-14-17c of the Code of West Virginia, 1931, as amended, relating to clarifying the amount of deputy sheriff’s annual salary increase.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senator Woodrum:

Senate Bill 684—A Bill to amend and reenact §10-1-12 of the Code of West Virginia, 1931, as amended, relating to the State Library Commission; adding the Curator of the West Virginia Division of Arts, Culture, and History as an ex officio voting member; and updating other language.

Referred to the Committee on Government Organization.

By Senator Woodrum:

Senate Bill 685—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-8c, relating to the West Virginia Monument and Memorial Protection Act of 2021; prohibiting the removal, renaming, alteration, or relocation of any statue, monument, memorial, nameplate, plaque, school, street, bridge, building, park, preserve, or reserve recognized by the West Virginia State Historic Preservation Office and which is located on public property and has been erected for, or named or dedicated in honor of, certain historical, military, labor, civil rights, and Native-American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas recognized by the West Virginia State Historic Preservation Office; authorizing the West Virginia State Historic Preservation Office to grant waivers under certain circumstances; and establishing penalties.

Referred to the Committee on the Judiciary.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 686—A Bill supplementing and amending appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing and increasing existing

items of appropriation to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2021, organization 0511, and increasing existing items of appropriation to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2021, organization 0506, by supplementing and amending appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Takubo:

Senate Bill 687—A Bill to amend and reenact §55-7B-6 of the Code of West Virginia, 1931, as amended, relating to the prerequisites for filing suit against a health care provider under the Medical Professional Liability Act; modifying the time frame for providing a statement of intent to provide a screening certificate of merit; updating the tolling of the statute of limitations applicable to a cause of action against a nursing home, assisted living facility, or their related entities or employees; and clarifying that a health care provider who executes a screening certificate of merit shall be subject to deposition upon request.

Referred to the Committee on the Judiciary.

By Senator Ihlenfeld:

Senate Bill 688—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-26a, relating to mandating extended supervision for defendants convicted of stalking and related felonious acts; establishing the start date of such extended supervision; providing monitoring procedure; providing for modifications or revocations of extended supervision; providing for violations during extended supervision; and providing for delayed extended supervision.

Referred to the Committee on the Judiciary.

By Senator Plymale:

Senate Bill 689—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§18-2-25d, relating to permitting graduate athletes to participate in interscholastic athletic events during the 2021-2022 school year; providing legislative findings; defining “graduate athlete”; mandating the West Virginia State Board of Education waive certain eligibility requirements; limiting scope of athlete’s participation; and permitting continued participation while attending an institution of higher learning.

Referred to the Committee on Education.

By Senator Romano:

Senate Bill 690—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-9-25, relating to requiring all eligible voters to perform their civic duty of voting in all general elections; relating to authorizing and requiring the Secretary of State to promulgate related emergency and legislative rules; relating to requiring the Secretary of State to notify all eligible voters of their failure to vote in a general election and request any proposed excuses or exemptions related to this failure; relating to the Secretary of State to review any excuses or exemptions; and relating to imposing civil penalties for any failure of an eligible voter to vote in a general election.

Referred to the Committee on the Judiciary.

By Senator Takubo:

Senate Bill 691—A Bill to amend and reenact §55-7B-6 of the Code of West Virginia, 1931, as amended, relating to the prerequisites for filing suit against a health care provider under the Medical Professional Liability Act; modifying the time frame for providing a statement of intent to provide a screening certificate of merit; updating the tolling of the statute of limitations applicable to a cause of action against a nursing home, assisted living facility, or their related entities or employees; and clarifying that a health care provider who executes a screening certificate of merit may be subject to deposition upon request.

Referred to the Committee on the Judiciary.

By Senator Takubo:

Senate Bill 692—A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining “sexual orientation” and “gender identity”.

Referred to the Committee on the Judiciary.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 693—A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

By Senator Stollings:

Senate Bill 694—A Bill to amend and reenact §5-16-7g of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-59-1 of said code, all relating generally to required health insurance coverage for diabetics; providing cost sharing in prescription drugs used for diabetes; defining terms; requiring insurance coverage for prescription insulin drugs; and providing for coverage pursuant to the West Virginia Public Employees Insurance Act.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

By Senator Rucker:

Senate Bill 695—A Bill to amend and reenact §8-6-4a and §8-6-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-7-2 of said code, all relating to counties and

municipalities; and providing procedures for decreasing corporate limits or increasing corporate limits by annexation and annexation by minor boundary adjustments.

Referred to the Committee on Government Organization.

By Senator Hamilton:

Senate Bill 696—A Bill to amend and reenact §48-8-103 of the Code of West Virginia, 1931, as amended; to amend and reenact §48-14-107 of said code; to amend and reenact §48-18-105, §48-18-117, §48-18-118, §48-18-118a, §48-18-121, §48-18-124, §48-18-201, §48-18-202, §48-18-203, §48-18-204, §48-18-205, and §48-18-206 of said code; and to amend and reenact §61-5-29 of said code, all relating to spousal support enforcement; providing that parties may apply to Bureau for Child Support enforcement to collect spousal support payments; requiring the court to direct that spousal support payments be directly paid to the Bureau for Child Support Enforcement upon application of party; authorizing the Bureau for Child Support Enforcement to collect spousal support from federal and state taxes; authorizing Bureau for Child Support Enforcement to obtain information from financial institution regarding spousal support obligations; allowing Bureau for Child Support Enforcement to assist parties in obtaining spousal support; allowing Bureau for Child Support Enforcement to bring action before the court to obtain modification to support order; providing process within family court for the presentation of a proposal to modify spousal support; and creating criminal penalties for the failure to pay spousal support.

Referred to the Committee on the Judiciary.

By Senator Grady:

Senate Bill 697—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to establishing a Civil Air Patrol license plate option through the West Virginia Division of Motor Vehicles.

Referred to the Committee on Transportation and Infrastructure.

By Senator Clements:

Senate Bill 698—A Bill to amend and reenact §11-14C-5 of the Code of West Virginia, 1931, as amended, relating to the motor fuel excise tax; creating an annual adjustment to the motor fuel excise tax; and providing for a mechanism for calculating the adjustment.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senator Maynard:

Senate Bill 699—A Bill to amend and reenact §55-7-22 of the Code of West Virginia, 1931, as amended, relating to use of force, including deadly force, in defense of self, real, and personal property; providing immunity from civil and/or criminal prosecution against persons lawfully using force in defensive actions; when there is no duty to retreat; and providing for the receipt of court costs, fees, and expenses for persons acting to protect self, real, and personal property, another person or in other defined situations.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 700—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-8c, relating to the West Virginia Monument and Memorial Protection Act of 2021; prohibiting the removal, renaming, alteration, or relocation of any statue, monument, memorial, nameplate, plaque, school, street, bridge, building, park, preserve, or reserve recognized by the West Virginia State Historic Preservation Office and which is located on public property and has been erected for, or named or dedicated in honor of, certain historical, military, labor, civil rights, and Native-American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas recognized by the West Virginia State Historic Preservation Office;

and authorizing the West Virginia State Historic Preservation Office to grant waivers under certain circumstances.

Referred to the Committee on the Judiciary.

By Senator Caputo:

Senate Bill 701—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, §21-5A-2, §21-5A-3, §21-5A-4, §21-5A-5, §21-5A-6, §21-5A-7, §21-5A-8, and §21-5A-9, all relating to reestablishing prevailing wages for certain state government contracts; declaring policy; defining terms; requiring contractors to ascertain rates and to include rates in contract specifications; requiring annual determinations of prevailing wage rates; establishing procedures to file objections to prevailing wage rate determinations; providing for hearings, judicial review, and appeal; requiring mandatory provisions in contracts and subcontracts; providing for posting of rates and recordkeeping; establishing criminal penalties for violations of the act; and limiting the scope of the law to post-enactment contracts.

Referred to the Committee on Government Organization; then to the Committee on Finance; and then to the Committee on Rules.

By Senator Trump:

Senate Bill 702—A Bill to repeal §27-6A-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §27-5-3, §27-5-4, and §27-5-10 of said code; to amend and reenact §27-6A-1, §27-6A-2, §27-6A-3, §27-6A-4, §27-6A-5, §27-6A-6, §27-6A-8, and §27-6A-10 of said code; and to amend said code by adding thereto a new section, designated §27-6A-13, all relating to involuntary hospitalization and competency and criminal responsibility of persons charged with or convicted of a crime; modifying the time for the completion of proceedings; requiring applicants to disclose contact information of persons to receive notice of involuntary commitment proceedings; providing transportation of individuals who are ordered for involuntary hospitalization to a diversion facility; updating outdated language in the code; creating criteria for competency restoration treatment;

establishing maximum time periods for competency restoration treatment of persons charged with crimes involving nonviolent misdemeanors, nonviolent felonies, and violent misdemeanors and violent felonies; establishing standards for judicial oversight and management regarding the detention and conditional release of persons found not guilty by reason of a mental illness; repealing section requiring reporting; establishing the Dangerousness Assessment Review Board; establishing internal effective dates; authorizing the West Virginia Department of Health and Human Resources to propose legislative rules to implement the provisions of these articles; and making technical amendments.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 703—A Bill to amend and reenact §31D-1-131 of the Code of West Virginia, 1931, as amended, relating to the Secretary of State; and requiring the establishment of searchable databases for West Virginia registered corporation and sole proprietorship information.

Referred to the Committee on Government Organization.

By Senator Maynard:

Senate Bill 704—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-3a, relating to providing an exemption from payment of personal income taxes for certain individuals; declaring pilot project; specifying the limits of the exemption; specifying applicable tax years; and authorizing the Tax Commissioner to require appropriate documentation.

Referred to the Committee on Finance.

By Senator Plymale:

Senate Bill 705—A Bill to amend and reenact §5-22A-5 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §5-22B-1, §5-22B-2, §5-22B-3, §5-22B-4, §5-22B-5, §5-22B-6, and §5-22B-7; and to

amend and reenact §31G-1-4 of said code, all relating to creating the Multi-Phase Procurement for Broadband Projects Act for public-private partnership broadband projects; and providing that the Design Build Board and the Broadband Enhancement Council shall administer duties of the Multi-Phase Procurement for Broadband Projects Act.

Referred to the Committee on Government Organization.

By Senator Woelfel:

Senate Bill 706—A Bill to amend and reenact §5-10-2 and §5-10-52 of the Code of West Virginia, 1931, as amended, all relating to the manner of computing retirement benefits for certain members of the Legislature under the West Virginia Public Employees Retirement Act; and requiring that the final average salary for members of the Legislature taking office after June 30, 2021, and thereafter participating in the retirement system as a member of the Legislature, be the average of the member's annual rate of compensation during his or her total years of credited service.

Referred to the Committee on Pensions.

By Senator Maynard:

Senate Bill 707—A Bill to amend and reenact §22C-4-8 and §22C-4-10 of the Code of West Virginia, 1931, as amended, all relating to requiring county or regional solid waste authorities to provide a roll-off dumpster for residents to use, free of charge, for litter and solid waste disposal according to any litter or solid waste control plan.

Referred to the Committee on Government Organization.

By Senator Maynard:

Senate Bill 708—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-19-1, §20-19-2, and §20-19-3, all relating to the County Cleanup Committee; stating legislative findings; establishing the committee

within the Division of Natural Resources; and establishing the County Cleanup Committee Fund.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senator Maynard:

Senate Bill 709—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-5N-1, §20-5N-2, §20-5N-3, §20-5N-4, §20-5N-5, §20-5N-6, §20-5N-7, §20-5N-8, §20-5N-9, §20-5N-10, §20-5N-11, §20-5N-12, §20-5N-13, §20-5N-14, §20-5N-15, and §20-5N-16, all relating to establishing an Adventure Travel Recreation Program within the Division of Natural Resources; making legislative findings and declaring legislative intent; defining terms; establishing an Adventure Travel Recreation Commission and specifying the composition and duties thereof; establishing the Office of Adventure Travel Recreation and defining the duties and responsibilities thereof; establishing conservation priorities of the office; providing for distribution of program information; authorizing contracts for goods and services to carry out responsibilities of the office; restricting the use of eminent domain; providing immunity and protection from liability for property holders or owners; requiring opportunity for public comment and for use for best available science; authorizing the creation of state vehicular recreation areas and providing for protection of sensitive areas; authorizing the designation and development of a West Virginia Statewide Motorized Trail; providing for a program of grants and cooperative agreements; apportioning funds; establishing criteria for various functions; detailing special, mandatory preconditions for grant and project applications; establishing an Adventure Travel Recreation Fund; and specifying an apportionment and allowable uses of moneys in the fund.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

Senator Ihlenfeld offered the following resolution:

Senate Concurrent Resolution 40—Requesting the Joint Committee on Government and Finance study the benefits of a deferred retirement option program (DROP) for the West Virginia State Police; determine the most appropriate and fair method of implementing this program; consider any potential unintended consequences of this program; and determine how this program should be used to keep our best and most experienced law-enforcement officers in positions to mentor, train, protect, and serve the citizens of West Virginia.

Whereas, The West Virginia State Police has served the State of West Virginia with distinction for over 100 years; and

Whereas, The law-enforcement officers of the West Virginia State Police are some of our most experienced, highly trained, and well-respected law-enforcement officers in the State of West Virginia; and

Whereas, The West Virginia State Police serve, defend, and protect the citizens of the State of West Virginia throughout every region, county, and city of this state; and

Whereas, The West Virginia State Police is currently having difficulty replacing retired law-enforcement officers and maintaining its full strength to fulfill its mission to this state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the benefits of a deferred retirement option program (DROP) for the West Virginia State Police; determine the most appropriate and fair method of implementing this program; consider any potential unintended consequences of this program; and determine how this program should be used to keep our best and most experienced law-enforcement officers in positions to mentor, train, protect, and serve the citizens of West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance study the causes leading to the retirement of our West

Virginia State Police law-enforcement officers, especially those who are electing early retirement; determine the most appropriate method to encourage and compensate these experienced law-enforcement officers to remain in service to West Virginia; ensure that the West Virginia State Police is retaining our best law-enforcement officers and permitting fair advancement opportunities to those officers; and determine the best method of ensuring the accumulated knowledge and skill of our more experienced law-enforcement officers prepares our younger officers; and, be it

Further Resolved, That the Joint Committee on Government and Finance enlist the assistance of all ranks, organizations, groups, and departments of the West Virginia State Police as is necessary to conduct the study; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2022, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

Senator Phillips offered the following resolution:

Senate Concurrent Resolution 41—Requesting the Joint committee on Government and Finance study the legal process for the collection and enforcement of delinquent taxes and lands.

Whereas, The existing process for collecting and enforcing delinquent taxes set forth in chapter 11A of the Code of West Virginia, 1931, as amended, is complicated and results in a lengthy system of placing delinquent lands on the books for counties and the state; and

Whereas, Many properties sit idle, creating public health and safety hazards, which burden then falls to the counties and cities to remedy pursuant to the State Building Code and/or unsafe building commissions for the local governments; and

Whereas, The usability and development of these properties are further encumbered by the mounting fees, penalties, and interest incurred by the existing taxation collection process which makes them financially undesirable; and

Whereas, There is a desire of the Legislature to expedite and streamline the process of collection to benefit the revenues of the local governments, while simultaneously addressing the public health hazards of dilapidated properties and increasing the marketability of these delinquent lands; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the legal process for the collection and enforcement of delinquent taxes and lands; and, be it

Further Resolved, That the Joint Committee on Government and Finance study the existing statutory process concerning: (1) The efficacy of collection and enforcement of delinquent taxes and lands; (2) the interplay of the collection and enforcement systems on the land use and potential economic development capabilities; (3) the burdens placed on local governments by the existing processes for addressing unsafe and dilapidated properties; and (4) the feasibility of streamlining these processes to address the concerns of the Legislature and the local governments of this state; and, be it

Further Resolved, That the Joint Committee and Government and Finance shall seek the input and advice to conduct the study from the: (1) State Auditor; (2) Secretary of Commerce; (3) Secretary of Economic Development; (4) State Fire Marshal; (5) West Virginia Association of Counties; (6) West Virginia Municipal League; and (7) West Virginia University College of

Law - Land Use and Sustainable Development Law Clinic; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2022, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft any necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

Senator Weld offered the following resolution:

Senate Concurrent Resolution 42—Requesting the Division of Highways name Bridge Number 35-43-0.01 (35A054), 40.04402, -80.55134, locally known as Middle Creek School Bridge, carrying CR 43 over Middle Wheeling Creek in Ohio County, the “Firefighter Marvin Layton Hughes Memorial Bridge”.

Whereas, Marvin Layton Hughes was born on October 12, 1924, in Dallas, Marshall County, West Virginia; and

Whereas, Marvin Layton Hughes took a job at the railroad during World War II to do his part getting coal to the steel mills for the war effort. He later worked for years as a security guard at the Division of Highways in Triadelphia, West Virginia; and

Whereas, Mr. Hughes was known in Dallas, West Virginia as the “unofficial mayor” and served as a member of the Dallas Volunteer Fire Department for 44 years prior to his death on July 27, 1998; and

Whereas, Mr. Hughes loved serving his community and walked the roads picking up trash in no official capacity just to better serve his community; and

Whereas, He raised two daughters who followed his example of community service and are part of the Dallas Volunteer Fire Department; and

Whereas, It is fitting that an enduring memorial be established to commemorate Marvin Layton Hughes 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 35-43-0.01 (35A054), locally known as Middle Creek School Bridge, carrying CR 43 over Middle Wheeling Creek in Ohio County, the “Firefighter Marvin Layton Hughes 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 “Firefighter Marvin Layton Hughes Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senator Stover offered the following resolution:

Senate Concurrent Resolution 43—Requesting the Division of Highways name the bridge at coordinates 37.501667, -81.336111, carrying WV 10 over Noseman Branch in Wyoming County, the “U. S. Army PFC Joseph Stanley McKinney Memorial Bridge”.

Whereas, Joseph Stanley McKinney was born July 20, 1947, in Herndon, West Virginia; and

Whereas, Joseph Stanley McKinney graduated from Herndon High School in 1966; and

Whereas, PFC Joseph Stanley McKinney entered the U. S. Army during the Vietnam War as a member of the 4th Infantry, Division 12th Infantry, 3rd Battalion; and

Whereas, PFC Joseph Stanley McKinney was killed in action on January 23, 1968, in the Kontum Province of Vietnam during the Tet Offensive; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army PFC Joseph Stanley McKinney and his ultimate sacrifice 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 the bridge at coordinates 37.501667, -81.336111, carrying WV 10 over Noseman Branch in Wyoming County, the “U. S. Army PFC Joseph Stanley McKinney 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 PFC Joseph Stanley McKinney 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 and Martin offered the following resolution:

Senate Concurrent Resolution 44—Requesting that the Division of Highways name bridge number 17A332 (17-098/00-

003.27), locally known as the Veterans' Park Bridge, carrying State Route 98 over the West Fork River in Harrison County, the "Harrison County Veterans Memorial Bridge".

Whereas, Naming this bridge in honor of all the men and women who have served in the United States Armed Forces from Harrison County is a fitting and enduring memorial to commemorate their service to the Nation; and

Whereas, Harrison County citizens have long been known as the first to fight for their country, and Harrison County was the centerpiece of West Virginia's efforts to fight the Axis Powers during WWII with seeing more than one million recruits on their way to defend their country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17A33 (17-098/00-003.27), locally known as the Veterans' Park Bridge, carrying County U.S. Route 19 over the West Fork River in Harrison County, the "Harrison County Veterans 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 "Harrison County Veterans 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.

Senator Roberts offered the following resolution:

Senate Concurrent Resolution 45—Requesting the Department of Veterans' Assistance to name the new veterans' nursing home, to be built in Beckley, the "Dennis E. Davis Veterans Nursing Home."

Whereas, Dennis Davis began his association with the United States military in 1959 when he entered the Reserve Officer Training Corps (ROTC) program at West Virginia State University; and

Whereas, Dennis Davis served stints with the U.S. Army at Fort Knox in Kentucky and Fort Sill in Oklahoma In 1965, he graduated from the Army's Non-Commissioned Officer Academy and received an honorable discharge in 1970; and

Whereas, In 1968, Dennis Davis received a Bachelor of Science degree in the field of education from West Virginia State University and subsequently began a career with the Kanawha County schools as a teacher, counselor, and administrator. In 1970, he received a Master of Science degree from Marshall University; and

Whereas, Dennis Davis ultimately took on the role of Assistant Superintendent of Kanawha County Schools for Vocational, Technical, and Adult Education; and

Whereas, In 1996, Governor Cecil Underwood appointed Dennis Davis as Executive Director of Workforce Development for West Virginia, in which position he served for four years; and

Whereas, Dennis Davis briefly returned to Kanawha County schools in 2013 as a member of the Kanawha County Board of Education, serving out the unexpired term of a previous member; and

Whereas, Governor Jim Justice appointed Dennis Davis, in January 2017, as Cabinet Secretary for the West Virginia Department of Veterans' Assistance. He was responsible for the administration of claims for assistance across the state, plus the WV Veterans Nursing Facility, the West Virginia Veterans Home, and the Donel C. Kinnard Memorial State Veterans Cemetery, where he was also a member of the honor guard; and

Whereas, Dennis Davis passed away on January 18, 2021, at his home in Institute, West Virginia, in the presence of his loving

wife and son. Dennis Davis was subsequently interred in the Donel C. Kinnard Memorial State Veterans Cemetery; and

Whereas, It is fitting that an enduring memorial be established to commemorate the achievements and contributions of Dennis Davis to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Department of Veterans' Assistance name the new veterans' nursing home, to be built in Beckley, the "Dennis E. Davis Veterans Care Home"; and, be it

Further Resolved, That the Department of Veterans' Assistance is hereby requested to have made and be placed signs identifying the facility as the "Dennis E. Davis Veterans Nursing Home"; 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.

Senator Sypolt offered the following resolution:

Senate Concurrent Resolution 46—Requesting the Division of Highways name bridge number 16-020/01-000.18 (16A044), locally known as Stanley See Bridge, carrying CR 20/1 over Lost River in Hardy County, the "Stanley W. and Evelyn C. See Memorial Bridge".

Whereas, Stanley W. See, a native of Hardy County, West Virginia, was born on April 18, 1919, and died on June 24, 1986; and

Whereas, Evelyn C. See, his wife, was born on June 8, 1920, and died February 15, 2014; and

Whereas, In 1953, Mr. Stanley W. See and Mrs. Evelyn C. See, honorably served the Hardy County community in the development of a telephone service known as the Hardy County Phone Company, now known as Hardy Communications; and

Whereas, Mr. Stanley W. See and Mrs. Evelyn C. See were compassionate people, devoted to the development and operation of an Exxon Service Station in the Mathias area, and were instrumental in the promotion of automobile travel between Baker, West Virginia, and Harrisonburg, Virginia; and

Whereas, Stanley W. See was a highly respected role model in the community, which included being an active member of the Mathias Volunteer Fire Company; and

Whereas, Evelyn C. See was also a well-known and highly respectable member of the community, and her contributions to the community included teaching life skills to young girls; and

Whereas, It is fitting that an enduring memorial be established to commemorate Mr. Stanley W. See and Mrs. Evelyn C. See and their contributions to our state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 16-020/01-000.18 (16A044), locally known as Stanley See Bridge, carrying CR 20/1 over Lost River in Hardy County, the “Stanley W. and Evelyn C. See 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 “Stanley W. and Evelyn C. See 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.

Senator Maynard offered the following resolution:

Senate Concurrent Resolution 47—Requesting the Division of Highways name bridge number 50-052/00-030.52 (50A087), locally known as Nursery Gap Bridge, carrying US 52 over Mill Creek in Wayne County, the “U.S. Navy HM3 Roy Elmer ‘Doody’ Moon Bridge”.

Whereas, Roy Elmer Moon was born on July 2, 1945, in Cove Gap, Wayne County, the son of Jim and Sylvia Moon; and

Whereas, Roy Elmer Moon attended Wayne High School, where he played football and from which he was graduated in 1963; and

Whereas, HM3 Roy Elmer Moon entered the U.S. Navy, became a medic, and was sent to Vietnam where he was attached to a U.S. Marine Corps unit; and

Whereas, HM3 Roy Elmer Moon, for his courage, bravery, and dedication to duty during an action in Vietnam, was awarded the Bronze Star. Marines and sailors with whom he served have stated about HM3 Roy Elmer “Doody” Moon that he was everything from “the bravest man I know” to “he never thought of his own safety, the injured came first”. All who attended a unit reunion had praise for HM3 Roy Elmer Moon. Some said they would not be alive today if it had not been for him. The platoon leader stated that he worried that the new medic would not be as capable to do the job of their former medic, but that “Doody” more than filled the shoes left by the former medic; and

Whereas, After receiving an honorable discharge from the U.S. Navy on August 8, 1971, HM3 Roy Elmer Moon returned to civilian life in Wayne County and served his community; and

Whereas, HM3 Roy Elmer Moon married Nancy Moon and they had one son, Christopher Moon; and

Whereas, HM3 Roy Elmer Moon worked for many years at Ashland Oil (now Marathon Oil) from where he is now retired; and

Whereas, HM3 Roy Elmer Moon has contributed to the Wayne County community, including serving as a member and as past chairman of the Board of the Wayne County Solid Waste Authority; and

Whereas, It is fitting that an enduring memorial be established to recognize U.S. Navy HM3 Roy Elmer Moon 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 50-052/00-030.52 (50A087), locally known as Nursery Gap Bridge, carrying US 52 over Mill Creek in Wayne County, the “U.S. Navy HM3 Roy Elmer ‘Doody’ Moon 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. Navy HM3 Roy Elmer ‘Doody’ Moon 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.

Senator Baldwin offered the following resolution:

Senate Concurrent Resolution 48—Requesting the Division of Highways name bridge number 10-061/00-027.81 (10A161), locally known as Armstrong Creek Bridge, carrying West Virginia Route 61 over Armstrong Creek in Fayette County, the “U. S. Army PFC Billy Keith Ford Memorial Bridge”.

Whereas, Billy Keith Ford was born on September 28, 1945, in Boomer, West Virginia, to Henry and Juanita Kilburn Ford, into a family of four boys and five girls; and

Whereas, As a boy, Billy spent his time helping in local gardens near the family home and when they were not in the gardens, the family enjoyed camping in West Virginia state parks; and

Whereas, Billy Keith Ford entered the U.S. Army in 1967, and was deployed to Vietnam on December 23, 1967, at the rank of Private First Class; and

Whereas, PFC Billy Keith Ford was originally assigned to the Fifth Battalion, Seventh Cavalry as a new battalion of the First Air Cavalry in 1966, and as part of this battalion he was stationed in Thua Thien Province, an area of exceptionally heavy fighting during that time, with more U.S. casualties than in any other province of Vietnam; and

Whereas, PFC Billy Keith Ford and his unit participated in a massive offensive, Operation Pegasus, in April 1968, liberating ground troops who had been under siege for 78 days and seizing tons of enemy supplies and equipment; and

Whereas, PFC Billy Keith Ford and the “5/7 Cav” later interdicted enemy movements to the south and held a dominant position in the A Shau Valley, hindering the enemy’s efforts at retreat and reinforcement; and

Whereas, PFC Billy Keith Ford’s company came under fire on April 28, 1968, and he was killed in the engagement; and

Whereas, During his time in service, PFC Billy Keith Ford received the Army Combat Infantryman Badge, Marksmanship Badge, National Defense Service Medal, Vietnam Service Medal, Army Presidential Unit Citation, Vietnam Gallantry Cross, and the Purple Heart medal; and

Whereas, PFC Billy Keith Ford's funeral service was held in the Mount Carbon Community Church on Sunday, May 12, 1968, and he was laid to rest in the Montgomery Memorial Park in London, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army PFC Billy Keith Ford and his sacrifice 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 10-061/00-027.81 (10A161), locally known as Armstrong Creek Bridge, carrying West Virginia Route 61 over Armstrong Creek in Fayette County, the "U. S. Army PFC Billy Keith Ford 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 PFC Billy Keith Ford 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.

Senator Maynard offered the following resolution:

Senate Concurrent Resolution 49—Requesting the Joint Committee on Government and Finance study the development and expansion of municipal recycling programs, including review of the current status of programs within West Virginia, an examination of best practices from surrounding states, and waste stream economics for municipalities and local communities.

Whereas, Waste recycling programs provide substantial benefits for local communities and for our nation as a whole, including reduction of the amount of waste sent to landfills and

incinerators, support for American manufacturing and conservation of valuable resources, increased economic security by tapping domestic sources of materials, prevents pollution by reducing the need to collect new raw materials, increased energy savings, creation of jobs in the recycling and manufacturing industries in the United States, and conservation of precious natural resources such as timber, water, and minerals; and

Whereas, There is a great disparity across this state in the availability of local recycling programs for household and small business wastes and the types of wastes that these programs can process; and

Whereas, Many local recycling programs have been forced to close or reduce services because of the costs of sorting materials and a depressed market for recyclable wastes; and

Whereas, Public participation in local recycling programs can help reduce costs and foster the benefits of recycling programs; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the development and expansion of municipal recycling programs, including review of the current status of programs within West Virginia, an examination of best practices from surrounding states, and waste stream economics for municipalities and local communities; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2022, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

Senators Hamilton, Romano, and Martin offered the following resolution:

Senate Concurrent Resolution 50—Requesting the Division of Highways name bridge number 49-033/00-015.38 (EB-WB) (49A122-49A123), locally known as MIDDLE FK CON I BM, carrying APD 33 over Middle Fk Rv. & CR 10/10 in Upshur County, the “U.S.M.C SGT MAJ Herman H. Brawner and Fayma Brawner Memorial Bridge”.

Whereas, Herman H. Brawner was enlisted in the Marine Corp at the age of 17 during WWII, fighting in the Pacific Theater for the duration of the war; and

Whereas, He went on to have a 30-year military career, SGT MAJ Herman H. Brawner fought in combat in three wars: WWII, Korea, and two tours in Vietnam; and

Whereas, During the Korean War, SGT MAJ Herman H. Brawner and his fellow Marines dug in for an extremely bloody battle on the shore of the Chosin Reservoir with Red Chinese soldiers in temperatures that dropped as low as 35 degrees below zero, using sandbags and frozen bodies for protection since it was too cold to dig foxholes, for which he and his fellow troops were dubbed the “Frozen Chosin”; and

Whereas, One of SGT MAJ Herman H. Brawner’s tours in Vietnam included an urban battle in the City of Hue where he led outnumbered Marines into the besieged city, but still managed to kill nearly three times as many Communist North Vietnamese, and helped raise an American flag on Hue’s provincial headquarters. Brawner’s notebook showed that the Marine battalion, which he led, suffered some 250 casualties in battle with many more wounded in what is considered by many the bloodiest battle of the Vietnam War; and

Whereas, During his career, SGT MAJ Herman H. Brawner was wounded multiple times, earning numerous service awards

including a Purple Heart with two gold stars, an Asiatic-Pacific Campaign Medal with two stars, an American Campaign Medal, a Combat Action Ribbon with a Bronze Star and “V” for Valor, a Republic of Korea Presidential Unit Citation with two stars, a United Nations Service Medal, two Republic of Vietnam Gallantry Cross Medals, one with a Silver Star and one with a Palm Ribbon, a Vietnam Campaign Medal with 1960 Device, plus a good conduct medal with many other citations and awards; and

Whereas, SGT MAJ Herman H. Brawner also received recognition with a special Navy Commendation Medal including a combat “V” for Valor during WWII; and

Whereas, Fayma Brawner, the wife of SGT MAJ Herman H. Brawner, was an accomplished civilian operating room nurse supervisor who endured the endless absence of her husband for many years and forwent a family life so that her husband could heroically serve his country for so many years; and

Whereas, SGT MAJ Herman H. Brawner retired as the head Noncom Military Police Marine in South East Asia overseeing U.S. Embassy security in five countries and, upon his retirement, finished his work career with Louisiana Pacific Lumber; and

Whereas, SGT MAJ Herman H. Brawner and his wife, Fayma, chose West Virginia, following his retirement, where he spent the remainder of his life on his farm in Upshur County providing counsel and help to all who knew him; and

Whereas, It is fitting that an enduring memorial be established to commemorate Marine SGT MAJ Herman H. Brawner and Fayma Brawner for their service 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 49-033/00-015.38 (EB-WB) (49A122-49A123), locally known as MIDDLE FK CON I BM, carrying APD 33 over Middle Fk Rv. & CR 10/10 in Upshur County, the “U.S.M.C SGT

MAJ Herman H. Brawner and Fayma Brawner 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.M.C SGT MAJ Herman H. Brawner and Fayma Brawner 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 and to forward a copy to his wife, Fayma Brawner.

Which, under the rules, lies over one day.

Senators Romano and Martin offered the following resolution:

Senate Concurrent Resolution 51—Requesting the Division of Highways name bridge number 08-011/00-023.08 (08A108), locally known as NEW DILLE BR 23.03, carrying CR 11 over Strange Creek in Clay County, the “Henry Preston Hickman Memorial Bridge”.

Whereas, Henry Preston Hickman was a beloved community leader in Dille, West Virginia, where he was a source of guidance and wisdom affectionately known as “Grandpa” to all who knew and loved him; and

Whereas, Henry Preston Hickman filled out an “Old Man’s Draft” registration card during WWII when he was 59 years old. However, he was never called to active duty, but served in critical industrial and civilian roles in both during WWII as well as the Korean War providing important materials for the war effort; and

Whereas, Henry Preston Hickman operated three sawmills, employing nearly 80 men and opened a coal mine and coal tipple on his property, providing additional jobs for the community, including creating jobs for troubled youth. He served on the Clay Country Draft Board during the Korean War; and

Whereas, Henry Preston Hickman served as the Buffalo District Representative on the Clay County Board of Education for 33 years, several as board president; and

Whereas, Henry Preston Hickman, donated a large piece of property for the construction of the Dille Grade School. He helped build and maintain a neighborhood community center, providing a place for basketball, roller skating and movies, as well as place where the Boy Scouts and other social clubs could meet. He led a Community Action Group which installed an outdoor concrete basketball court, erected cemetery signs, and provided first-aid and CPR classes; and

Whereas, Henry Preston Hickman served as Sunday School Superintendent of the Big Union Baptist Church, Dill, WV, for 70 years, also serving as deacon and as a Sunday school teacher; and

Whereas, Henry Preston Hickman died at age 93 after serving the community in many different capacities such as storekeeper, postmaster, and self-trained veterinarian all of which were to the great benefit of his community; and

Whereas, It is fitting that an enduring memorial be established to commemorate Henry Preston Hickman 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 08-011/00-023.08 (08A108), locally known as NEW DILLE BR 23.03, carrying CR 11 over Strange Creek in Clay County, the “Henry Preston Hickman 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 “Henry Preston Hickman 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 and forward a copy to his great granddaughter, Merry Cogar.

Which, under the rules, lies over one day.

Senators Takubo and Stollings offered the following resolution:

Senate Resolution 24—Urging the President of the United States to appoint Dr. Rahul Gupta as the Director of the Office of National Drug Control Policy.

Whereas, The Office of National Drug Control Policy is a component of the Executive Office of the President of the United States; and

Whereas, The mission of the Office of National Drug Control Policy is to reduce substance use disorder and its consequences by coordinating the nation's drug control policy through the development and oversight of the National Drug Control Strategy and Budget; and

Whereas, The Office of National Drug Control Policy leads and coordinates the nation's drug policy so that it improves the health and lives of the American people; and

Whereas, Dr. Rahul Gupta, MD, MPH, MBA, FACP, is the former public health commissioner for the state of West Virginia; and

Whereas, Dr. Rahul Gupta currently holds the position of Senior Vice President and Chief Medical and Health Officer of the March of Dimes. He is also the Interim Chief Scientific Officer for Research and Global Programs; and

Whereas, As Commissioner and State Health Officer in West Virginia, Dr. Gupta led the state's opioid crisis response and launched several pioneering public health initiatives, such as the Birthscore program to identify high-risk infants; and

Whereas, Dr. Rahul Gupta, a specialist in internal medicine and preventive medicine, served as an academic faculty in Tennessee and Alabama before going to West Virginia originally in 2009 to lead the Kanawha-Charleston Health Department; and

Whereas, Dr. Rahul Gupta has extensive public health experience working in local, state, and federal governments, and working with and advising nonprofit organizations on local national, and international public health policy and programs; therefore, be it

Resolved by the Senate:

That the Senate hereby urges the President of the United States to appoint Dr. Rahul Gupta as the Director of the Office of National Drug Control Policy; and, be it

Further Resolved, That the Senate extends its full support to the nomination of Dr. Rahul Gupta as appoint Dr. Rahul Gupta as the Director of the Office of National Drug Control Policy; and

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Honorable Joseph R. Biden, Jr., President of the United States.

Which, under the rules, lies over one day.

Senator Tarr offered the following resolution:

Senate Resolution 25—Recognizing the 100th anniversary of the American Physical Therapy Association.

Whereas, Reconstruction aides, the predecessors to modern physical therapists, treated the many casualties of World War I, working tirelessly to get soldiers back on their feet. These strong women had proven their value as medical professionals – war heroes – and shown that those who would eventually be known as physical therapists had a major role to play in the future of America’s health; and

Whereas, Mary McMillan, a reconstruction aide, was elected in 1921 as the first president of the American Women's Physical Therapeutic Association; and

Whereas, Emma Vogel initiated the first War Emergency Training Course of World War II at Walter Reed General Hospital in 1941. The course consisted of six months of concentrated "didactic" instruction to be followed by six months of supervised practice at a military hospital; and

Whereas, The West Virginia Physical Therapy Association, Inc. was incorporated on March 23, 1949, in Morgantown, WV; and

Whereas, Lucy Blair, the staff coordinator of physical therapists in the polio emergency, worked in partnership with Dr. Salk in the national response to the polio epidemic in the early 1950s; and

Whereas, The effort to launch a two-year graduate education program for physical therapists appeared at Case Western Reserve University in Cleveland, Ohio in 1960; and

Whereas, The WVU Division of Physical Therapy was established in 1970 as the first physical therapy program in the state of West Virginia; and

Whereas, The Wheeling Jesuit University Physical Therapy program was established in 1994 as the second physical therapy program in the state of West Virginia; and

Whereas, The Marshall University School of Physical Therapy was established in 2012 as the third physical therapy program in the state of West Virginia; and

Whereas, West Virginia is home to three Physical Therapist Assistant programs: Blue Ridge Community and Technical College in Martinsburg, WV; Mountwest Community & Technical College in Huntington, WV; and Pierpont Community & Technical College in Fairmont, WV; and

Whereas, Physical therapists are movement experts who improve quality of life through hands-on care, patient education, and prescribed movement. Regular physical activity is one of the most important things one can do for one's health and, according to the US Department of Health & Human Services, more than 80% of adults and adolescents do not get enough physical activity. If pain or a condition limits the ability to participate in activities, or one wants to reduce the risk for chronic diseases, enhance fitness, and prevent injuries, a physical therapist and physical therapist assistants are a critical part of the health care team; and

Whereas, Physical therapists and physical therapist assistants treat people where they are. Physical therapists and physical therapist assistants provide care to people across the lifespan and in many settings, including hospitals, private practices, outpatient clinics, homes, schools, sports teams and fitness facilities, the U.S. Armed Services, Veterans facilities, work settings, and nursing homes; and

Whereas, Physical therapy is effective in reducing pain. For example, a growing body of evidence for physical therapist treatment of low back pain includes a 2018 study published in Health Services Research that shows that using it as a first-line approach not only saves money, but also dramatically reduces the chance of receiving a prescription for dangerous opioids; and

Whereas, Students of physical therapy are being educated to address the health care needs of Americans for the next 100 years; and

Whereas, Physical therapists and physical therapist assistants have faced the challenge of the COVID-19 pandemic head-on, treating the most vulnerable, building on their proud history of work in the polio pandemic. Physical therapy plays an essential role in recovery from Covid-19. When people are just beginning to recover from the most severe effects of the novel coronavirus, physical therapists and physical therapist assistants are there, helping them get back on their feet, both during their time in the hospital and after they leave, for as long as it takes; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the 100th anniversary of the American Physical Therapy Association; and, be it

Further Resolved, That the Senate commends the American Physical Therapy Association for its dedication to improving the health of society over the past 100 years; and, be it

Further Resolved, That the Senate recognizes that the American Physical Therapy Association and its members are essential partners to meeting the future health and wellness needs of our country; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the American Physical Therapy Association.

Which, under the rules, lies over one day.

Senator Ihlenfeld offered the following resolution:

Senate Resolution 26—Congratulating the Wheeling Park High School Speech and Debate Team for winning its 41st consecutive West Virginia Speech and Debate State Championship.

Whereas, On Saturday, March 13, 2021, the Wheeling Park High School Speech and Debate Team won the 2021 West Virginia Speech and Debate State Championship, its 41st consecutive state championship win; and

Whereas, The Wheeling Park High School Speech and Debate Team has shown incredible adaptability competing in the tournament virtually and resilience after last year's tournament was canceled due to the pandemic the day before it would have begun; and

Whereas, The Wheeling Park High School Speech and Debate Team competed in nine tournaments this season against schools

from all across the country, and the team plans to compete in the National Catholic Forensic League 2021 Grand National Tournament; and

Whereas, The team is led by head coach Bill Cornforth, who has coached the team the last 42 years, and coaches Kayla Nelson, Isabella Droginske, and Jennifer Mathieu; and

Whereas, Team members Tyler Faulstick, Adeline Barbour, Jacqueline Heil, Alexis Hoskins, Lucia Perri, Dailey Ward, Eliza Aulick, Harper Aulick, Charles Ihlenfeld, Towne Moores, and Anthony Meisel were each state champions in an individual event, and Adesh Urval won the state championship in two individual events; and

Whereas, The Wheeling Park High School Speech and Debate Team is an example of hard work, dedication, and professionalism, and an example of the kind of students that come out of our great state; and

Whereas, The historic legacy the Wheeling Park High School Speech and Debate Team has created is something all West Virginians can be proud of; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Wheeling Park High School Speech and Debate Team for winning its 41st consecutive West Virginia Speech and Debate State Championship; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Wheeling Park High School Speech and Debate Team.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 35, US Air Force LT COL Robert J. Hill Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 36, US Army SP4 Warner Ray Osborne Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 37, Nitro WW I Living Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 38, USMC SSGT Herbert “Herbie” Barnes Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 39, Birthplace of Alabama Coach Nick Saban.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Resolution 23, Designating March 2021 as Red Cross Month.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

House Concurrent Resolution 9, Urging Congress to call a convention of states to limit terms of office of the US House of Representatives.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 36, Relating to WV Secondary School Activities Commission audits.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 36 pass?”

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Grady, Karnes, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—22.

The nays were: Baldwin, Caputo, Clements, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel—11.

Absent: Hamilton—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 36) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Com. Sub. for Senate Bill 569, Relating to damages for medical monitoring.

On third reading, coming up in regular order, with the right having been granted on Friday, March 19, 2021, for amendments to be received on third reading, was reported by the Clerk.

On motion of Senator Romano, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page one, section thirty-two, lines one through ten, by striking out all of subsection (a);

On page one, section thirty-two, line eleven, by striking out “(b)”;

And,

On page one, section thirty-two, line fourteen, after the word “completed”, by changing the period to a colon and inserting the following proviso: *Provided*, That the court may order the liable defendant to pay the moneys to cover the cost of a plaintiff’s future medical surveillance, screening tests, or monitoring procedures prior to the same being completed when a failure to do so would result in undue hardship on a plaintiff or the medical provider.

Following discussion,

The question being on the adoption of Senator Romano’s amendments to the bill, the same was put and did not prevail.

There being no further amendments offered,

The bill was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 569 was then read a third time and put upon its passage.

Pending discussion,

(Senator Weld in the Chair.)

Pending discussion,

(Senator Blair, Mr. President, in the Chair.)

The question being “Shall Engrossed Committee Substitute for Senate Bill 569 pass?”

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—23.

The nays were: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel—11.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 569) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 636, Requiring certain history and civics courses be taught in schools.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 636) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2024, Expand use of telemedicine to all medical personnel.

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 House Bill 2024 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2024) passed.

On motion of Senator Maroney, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2024—A Bill to amend and reenact §5-16-7b of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §9-5-28; to amend and reenact §30-1-26 of said code; to amend and reenact §30-3-13a of said code; to amend and reenact §30-14-12d of said code; and to amend and reenact §33-57-1 of said code, all relating to telehealth services; defining terms; requiring the Public Employees Insurance Agency, Medicaid, and specified insurance plans to reimburse for telehealth services at a negotiated rate for virtual telehealth encounters; requiring the Public Employees Insurance Agency, Medicaid, and specified insurance plans to provide reimbursement for a telehealth service on the same basis and at the same rate as if the service is provided in-person for established patients or for care rendered on a consulting basis to a patient located in an acute care facility whether inpatient or outpatient; establishing a registration; permitting health care practitioners licensed in other states, in good standing, to practice in West Virginia using telehealth services; providing emergency rule-making authority; setting forth requirements for registration; permitting a fee for registration; placing a cap on the fee; permitting physician-patient relationship to begin with an audio-only call or conversation in real time; removing restrictions on prescriptive authority; providing exceptions to prescriptive authority; adding criteria to the standard of care related to telehealth services; providing exceptions; and providing for effective date.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson,

Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2024) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 2701, Relating to authorizing the Division of Rehabilitation Services to approve acceptable training programs required for low vision individuals to obtain a Class G drivers license.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2701) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill 2788, Expiring funds to the unappropriated surplus balance from State Excess Lottery Revenue Fund.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Martin (by proxy)—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2788) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Martin (by proxy)—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2788) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 2789, Supplementing and amending the appropriations to Public Defender Services.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2789) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2789) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 2802, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Emergency Management.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2802) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2802) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 2803, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2803) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2803) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill 2804, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sybolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2804) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings,

Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2804) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 395, Expanding PEIA Finance Board membership.

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 398, Limiting eligibility of certain employers to participate in PEIA plans.

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 478, Permitting use of established federal marketplace programs to purchase supplies.

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 479, Relating to WV veterans service decoration and WV Service Cross.

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 509, Removing requirement that determination of medical stability be found prior to admission to mental health facility.

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 586, Providing WV veterans discounts on fees and charges at state parks.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. House Bill 2905, Relating to repealing the prohibition against the use of certain words.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

(Senator Rucker in the Chair.)

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

Com. Sub. for Senate Bill 361, Extending supervision for conviction of soliciting minor and using obscene matter with intent to seduce minor.

Com. Sub. for Senate Bill 436, Relating generally to solid waste facilities.

Senate Bill 486, Relating to powers and duties of Chief Technology Officer.

Com. Sub. for Senate Bill 487, Updating Division of Purchasing procurement and spending thresholds.

Com. Sub. for Senate Bill 551, Revising forms of living will, medical power of attorney, and combined medical power of attorney and living will.

Com. Sub. for Senate Bill 565, Relating generally to elections.

Senate Bill 577, Exempting certain fire departments from licensure requirements for providing rapid response services.

Com. Sub. for Senate Bill 590, Removing restriction preventing medical marijuana from being in edible form.

Com. Sub. for Senate Bill 610, Providing tuition and fee waivers at state higher education institutions for volunteers who have completed service in AmeriCorps programs in WV.

Senate Bill 644, Exempting certain persons pursuing degree in speech pathology and audiology from license requirements.

Senate Bill 651, Allowing county boards of education to publish financial statements on website.

Com. Sub. for Senate Bill 658, Requiring sheriff's departments to participate and utilize Handle With Care Program for trauma-inflicted children.

Eng. Com. Sub. for House Bill 2621, Mandating certification for certain members of fire departments, require certain types of training, allow specialized personnel who are not firefighters to be members of a department, and require the postings of fire department evaluations.

Eng. Com. Sub. for House Bill 2797, Declaring certain claims to be moral obligations of the State.

Eng. House Bill 2854, Relating to the West Virginia Municipal Police Officers and Firefighters Retirement System.

And,

Eng. Com. Sub. for House Bill 2855, Relating to the Natural Resources Police Officers Retirement System.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Baldwin.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Karnes, unanimous consent being granted, it was ordered that the Journal show had Senator Karnes been present in the chamber in earlier proceedings today, he would have voted “yea” on the passage of Engrossed Committee Substitute for Senate Bill 636.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on March 19, 2021:

Senate Bill 668: Senators Stollings and Woelfel;

Senate Bill 672: Senator Beach;

Senate Bill 674: Senator Woelfel;

Senate Bill 677: Senators Romano and Hamilton;

Senate Concurrent Resolution 5: Senator Phillips;

Senate Concurrent Resolution 20: Senator Rucker;

Senate Concurrent Resolution 35: Senator Lindsay;

Senate Concurrent Resolution 36: Senator Lindsay;

Senate Concurrent Resolution 37: Senators Romano, Lindsay, and Stollings;

Senate Concurrent Resolution 38: Senators Lindsay and Martin;

Senate Concurrent Resolution 39: Senators Ihlenfeld, Lindsay, Phillips, Hamilton, and Stollings;

And,

Senate Resolution 23: Senators Rucker, Lindsay, Phillips, Beach, Hamilton, and Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:45 p.m., the Senate adjourned until tomorrow, Tuesday, March 23, 2021, at 11 a.m.

TUESDAY, MARCH 23, 2021

The Senate met at 11:01 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Patricia Puertas Rucker, a senator from the sixteenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Charles H. Clements, a senator from the second district.

Pending the reading of the Journal of Monday, March 22, 2021,

At the request of Senator Unger, 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.

Senator Blair (Mr. President) announced that, under the provisions of Senate Resolution 6 (*Adopting special rule of order*

relating to proxy voting due to COVID-19 pandemic) adopted February 22, 2021, Senators Martin and Sypolt had been approved to vote by proxy and that Senator Takubo had been designated to vote on their behalf.

The Senate proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 156, Authorizing Department of Homeland Security to promulgate legislative rules.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 6. AUTHORIZATION FOR DEPARTMENT OF
HOMELAND SECURITY TO PROMULGATE
LEGISLATIVE RULES.**

§64-6-1. Fire Commission.

The legislative rule filed in the State Register on August 24, 2020, authorized under the authority of ~~§29-3-5b~~ §15A-11-5 of this code, relating to the Fire Commission (standards for the certification and continuing education of municipal, county, and other public sector building code officials, building code inspectors, and plans examiners, 87 CSR 07), is authorized.

§64-6-2. Fire Marshal.

The legislative rule filed in the State Register on August 13, 2020, authorized under the authority of §15A-10-5(a) of this code,

relating to the Fire Marshal (standards for the certification and continuing education of municipal, county, and other public sector building code officials, building code inspectors, and plans examiners, 103 CSR 06), is authorized with the following amendment:

On page six, after subdivision 8.1.a, by adding a new subdivision 8.1.b to read as follows: “Each inspector, during the inspection, shall maintain and have readily available the current provisions in paper or electronic format of the appropriate standard for the relevant discipline available for review. The Code Official is responsible for ensuring that this is done, and that the inspector shall inform the building owner or agent, in writing, of the specific violation of the code by number and or title.”

§64-6-3. State Emergency Response Commission.

(a) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §15-5A-5 of this code, relating to the State Emergency Response Commission (emergency planning and community right-to-know, 55 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §15-5A-5 of this code, relating to the State Emergency Response Commission (emergency planning grant program, 55 CSR 02), is authorized with the following amendments:

On page 1, section 2, by striking out all of subsection 2.4;

And,

By renumbering the remaining subsection.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 156, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stover, Swope, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Stollings, and Sypolt—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 156) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stover, Swope, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Stollings, and Sypolt—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. 156) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. Senate Bill 160, Authorizing Department of Revenue to promulgate legislative rules.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 4, by striking out all of section four;

By renumbering the remaining sections;

On page 5, section 7, line 3, by striking §11-5C-5(b) and inserting in lieu thereof “11-1C-5(b)”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 160—A Bill to amend and reenact §64-7-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Revenue to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; directing the amendment of a legislative-exempt rule by the Legislature; relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to private club licensing; relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to distilleries, mini-distilleries, and micro-distilleries; relating to authorizing the Financial Institutions Division to promulgate a legislative rule relating to a rule pertaining to the Fintech Regulatory Sandbox; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to fingerprinting requirements for applicants for insurance producer and insurance adjuster license; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to insurance adjusters; relating to

authorizing the Insurance Commissioner to promulgate a legislative rule relating to credit for reinsurance; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to insurance continuing education for individual insurance producers and individual insurance adjusters; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to mental health parity; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to health benefit plan network access and adequacy; relating to authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing; relating to authorizing the Racing Commission to promulgate a legislative rule relating to greyhound racing; relating to authorizing the Racing Commission to promulgate a legislative rule relating to advance deposit account wagering; relating to authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia Lottery interactive wagering rule; relating to directing the State Tax Department to amend a legislative-exempt rule relating to valuation of farmland and structures situated thereon for ad valorem property tax purposes; relating to authorizing the State Tax Department to promulgate a legislative rule relating to a tax credit for providing vehicles to low-income workers; relating to authorizing the State Tax Department to promulgate a legislative rule relating to the downstream natural gas manufacturing investment tax credit; and relating to authorizing the State Tax Department to promulgate a legislative rule relating to the high-wage growth business tax credit.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 160, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings,

Stover, Swope, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Maroney and Sypolt—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 160) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Maroney and Sypolt—2.

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. 160) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 182, Authorizing miscellaneous agencies and boards to promulgate legislative rules.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS TO PROMULGATE LEGISLATIVE RULES.

§64-9-1. Commissioner of Agriculture.

(a) The legislative rule filed in the State Register on August 27, 2020, authorized under the authority of §19-9-2 of this code, relating to the Commissioner of Agriculture (animal disease control, 61 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on August 27, 2020, authorized under the authority of §19-16-6 of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 23, 2020, relating to the Commissioner of Agriculture (West Virginia Seed Law, 61 CSR 09), is authorized.

(c) The legislative rule filed in the State Register on August 17, 2020, authorized under the authority of §19-2B-3 of this code, relating to the Commissioner of Agriculture (inspection of meat and poultry, 61 CSR 16), is authorized.

(d) The legislative rule filed in the State Register on July 27, 2020, authorized under the authority of §19-9-2 of this code, relating to the Commissioner of Agriculture (poultry litter and manure movement into primary poultry breeder rearing areas, 61 CSR 28), is authorized.

(e) The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §19-16-3a of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 22, 2020, relating to the Commissioner of Agriculture (seed certification program, 61 CSR 39), is authorized.

(f) The legislative rule filed in the State Register on September 21, 2020, authorized under the authority of §19-11E-8 of this code, relating to the Commissioner of Agriculture (WV-exempted dairy farms and milk and milk products processing rules, 61 CSR 40), is authorized.

§64-9-2. Auditor.

The legislative rule filed in the State Register on September 17, 2020, authorized under the authority of §12-3-10 of this code, modified by the Auditor to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 19, 2020, relating to the Auditor (standards for requisitions for payment issued by state officers on the Auditor, 155 CSR 01), is authorized with the following amendments:

On page 2, subsection 2.15., by striking the word “or” and following the acronym “(PRC)”, by inserting the following, “, or WIRE”;

On page 4, subdivision 3.1.3., after the word “signature.” by adding a new sentence to read as follows, “Alternative certifications may be approved by the Auditor if required by business processes.”;

On page 10, by inserting a new subsection 12.2. to read as follows:

“12.2. The auditor may approve alternative documents if necessitated by business processes.”;

And,

On page 10, subsection 13.1., following the words “For all nonrecurring wires, the”, by inserting the following, “State Treasurer’s Office (STO)”.

§64-9-3. Board of Funeral Service Examiners.

(a) The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §30-6-6 of this code, modified by the Board of Funeral Service Examiners to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 18, 2020, relating to the Board of Funeral Service Examiners (funeral director, embalmer, apprentice, courtesy card holders, and funeral establishment requirements, 6 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on August 24, 2020, authorized under the authority of §30-6-6 of this code, modified by the Board of Funeral Service Examiners to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 18, 2020, relating to the Board of Funeral Service Examiners (crematory requirements, 6 CSR 02), is authorized with the following amendments:

On page 3, after paragraph 4.1.1.6. by adding a new subdivision 4.1.3. to read as follows:

“4.1.3. An applicant must attend a crematory operator certification program approved by the Board prior to submitting an application. The completion certificate must be submitted with the registration application.”;

And,

On page 21, Subdivision 22.5.3., by striking out the words “or courtesy card holder”.

(c) The legislative rule filed in the State Register on August 24, 2020, authorized under the authority of §30-6-6 of this code, modified by the Board of Funeral Service Examiners to meet the objections of the Legislative Rule-Making Review Committee and

refiled in the State Register on November 18, 2020, relating to the Board of Funeral Service Examiners (fee schedule, 6 CSR 07), is authorized with the following amendment:

On page 3, Subdivision 4.2.2., by striking out the words “three hundred fifty dollars (\$350.00)” and inserting in lieu thereof the words “two hundred seventy five dollars (\$275.00)”

§64-9-4. Board of Hearing Aid Dealers.

The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §30-26-3 of this code, modified by the Board of Hearing Aid Dealers to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 1, 2020, relating to the Board of Hearing Aid Dealers (rule governing the West Virginia Board of Hearing Aid Dealers, 8 CSR 01), is authorized.

§64-9-5. Board of Landscape Architects.

(a) The legislative rule filed in the State Register on August 27, 2020, authorized under the authority of §30-22-7 of this code, modified by the Board of Landscape Architects to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 1, 2020, relating to the Board of Landscape Architects (registration of landscape architects, 9 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §30-22-7 of this code, modified by the Board of Landscape Architects to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 23, 2020, relating to the Board of Landscape Architects (application for waiver of initial licensing fees for certain individuals, 9 CSR 04), is authorized.

§64-9-6. Livestock Care Standards Board.

The legislative rule filed in the State Register on August 21, 2020, authorized under the authority of §19-1C-4 of this code,

relating to the Livestock Care Standards Board (livestock care standards, 73 CSR 01), is authorized.

§64-9-7. Board of Medicine.

The legislative rule filed in the State Register on June 24, 2020, authorized under the authority of §30-3-7 of this code, relating to the Board of Medicine (registration to practice during declared state of emergency, 11 CSR 14), is authorized.

§64-9-8. Municipal Pensions Oversight Board.

The legislative rule filed in the State Register on August 7, 2020, authorized under the authority of §8-22-18a of this code, modified by the Municipal Pensions Oversight Board to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 17, 2020, relating to the Municipal Pensions Oversight Board (exempt purchasing, 211 CSR 02), is authorized.

§64-9-9. Board of Occupational Therapy.

The legislative rule filed in the State Register on August 10, 2020, authorized under the authority of §30-28-7 of this code, relating to the Board of Occupational Therapy (telehealth practice requirements, definitions, 13 CSR 09), is authorized.

§64-9-10. Board of Osteopathic Medicine.

(a) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §30-14-14 of this code, modified by the Board of Osteopathic Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 23, 2020, relating to the Board of Osteopathic Medicine (licensing procedures for osteopathic physicians, 24 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on June 22, 2020, authorized under the authority of §30-14-14 of this code, modified by the Board of Osteopathic Medicine to meet the

objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 23, 2020, relating to the Board of Osteopathic Medicine (emergency temporary permits to practice during states of emergency or states of preparedness, 24 CSR 09), is authorized.

§64-9-11. Board of Pharmacy.

(a) The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §30-5-7 of this code, relating to the Board of Pharmacy (licensure and practice of pharmacy, 15 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §60A-3-301 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 2, 2020, relating to the Board of Pharmacy (Uniform Controlled Substances Act, 15 CSR 02), is authorized.

(c) The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 2, 2020, relating to the Board of Pharmacy (board of pharmacy rules for continuing education for licensure of pharmacists, 15 CSR 03), is authorized.

(d) The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §60A-8-9 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 2, 2020, relating to the Board of Pharmacy (licensure of wholesale drug distributors, third-party logistics providers, and manufacturers, 15 CSR 05), is authorized.

(e) The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §30-5-7 of this code,

modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 2, 2020, relating to the Board of Pharmacy (Controlled Substances Monitoring Program, 15 CSR 08), is authorized.

(f) The legislative rule filed in the State Register on September 4, 2020, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 2, 2020, relating to the Board of Pharmacy (board of pharmacy rules for immunizations administered by pharmacists and pharmacy interns, 15 CSR 12), is authorized.

§64-9-12. Board of Physical Therapy.

(a) The legislative rule filed in the State Register on October 19, 2020, authorized under the authority of §30-20-6 of this code, modified by the Board of Physical Therapy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 18, 2020, relating to the Board of Physical Therapy (general provisions for physical therapist and physical therapist's assistants, 16 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §30-20-6 of this code, modified by the Board of Physical Therapy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 16, 2020, relating to the Board of Physical Therapy (fees for physical therapist and physical therapist's assistants, 16 CSR 04), is authorized.

(c) The legislative rule filed in the State Register on October 19, 2020, authorized under the authority of §30-20A-2 of this code, modified by the Board of Physical Therapy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 21, 2020, relating to the Board of

Physical Therapy (general provisions for athletic trainers, 16 CSR 05), is authorized.

(d) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §30-20A-2 of this code, modified by the Board of Physical Therapy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 16, 2020, relating to the Board of Physical Therapy (fees for athletic trainers, 16 CSR 06), is authorized.

§64-9-13. Board of Professional Surveyors.

The legislative rule filed in the State Register on August 24, 2020, authorized under the authority of §30-13A-6 of this code, modified by the Board of Professional Surveyors to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 19, 2020, relating to the Board of Professional Surveyors (examination and licensing of professional surveyors in West Virginia, 23 CSR 01), is authorized.

§64-9-14. Real Estate Commission.

The legislative rule filed in the State Register on August 24, 2020, authorized under the authority of §30-40-8 of this code, modified by the Real Estate Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 11, 2020, relating to the Real Estate Commission (licensing real estate brokers, associate brokers, and salespersons and the conduct of brokerage business, 174 CSR 01), is authorized.

§64-9-15. Board of Respiratory Care.

The legislative rule filed in the State Register on August 26, 2020, authorized under the authority of §30-34-6 of this code, modified by the Board of Respiratory Care to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 17, 2020, relating to the Board of Respiratory Care (criteria for licensure, 30 CSR 01), is authorized.

§64-9-16. Secretary of State.

(a) The legislative rule filed in the State Register on June 23, 2020, authorized under the authority of §3-1-48 of this code, modified by the Secretary of State to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 4, 2020, relating to the Secretary of State (loan and grant programs under the Help America Vote Act for the purchase of voting equipment, election systems, software, services, and upgrades, 153 CSR 10), is authorized.

(b) The legislative rule filed in the State Register on June 25, 2020, authorized under the authority of §39-4-25 of this code, modified by the Secretary of State to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 4, 2020, relating to the Secretary of State (guidelines and standards for electronic notarization, 153 CSR 45), is authorized.

§64-9-17. Bureau of Senior Services.

The legislative rule filed in the State Register on August 25, 2020, authorized under the authority of §16-5P-6 of this code, modified by the Bureau of Senior Services to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 30, 2020, relating to the Bureau of Senior Services (shared table initiative for senior citizens, 76 CSR 06), is authorized with the following amendments:

On page 1, subsection 1.1., by striking out “Share tables are tables or stations where food service staff, senior citizens, and volunteers may return unopened prepackaged items, whole fruit and unopened beverage items they choose not to eat. These food and beverage items are then available to other senior citizens who may need additional nutritional servings.”;

On page 1, section 2, by adding a new subsection 2.6 to read as follows:

“2.6. “Sharing tables” are tables or stations at senior centers or other locations where congregate meals are provided to senior citizens where senior citizens may return unopened prepackaged items, whole fruit and unopened beverage items they choose not to eat. These food and beverage items are then available to other senior citizens who may need additional nutritional servings.”;

On page 2, section 3, by striking out all of subsection 3.1 and inserting in lieu thereof the following:

“3.1. Any unopened pre-packaged items, including, but not limited to pretzels, crackers, bags of fruits and vegetables stored in a cooling bin, wrapped whole fruit, such as apples and bananas and unopened milk which has been stored in a cooling bin maintained at 41 degrees Fahrenheit or below may be distributed at a sharing table. Nutrition providers shall be aware of and comply with all Federal, state, and local laws, rules, regulations, and codes regarding standards for the preparation and distribution of food and beverages.”;

On page 2, section 4, by striking out all of subsection 4.1. and inserting in lieu thereof the following:

“4.1. “Food and beverages which may be distributed under section three of this rule may be distributed at sharing table or to senior citizens who receive home-delivered meals.”;

On page 2, subsection 5.1. after the words “serving times or” by inserting the words “the food or beverage item”;

On page 2, subsection 5.1. by deleting the words “where the Federal and State standards have been maintained”;

On page 2, section 6, by striking out all of subsection 6.1 and inserting in lieu thereof the following:

“Senior centers or other locations where congregate meals are provided to senior citizens’ which receive, prepare, or donate food and beverages to a food bank or other nonprofit charitable organization under this rule, shall comply with and are subject to

the Good Samaritan Food Donation Act, W.Va. Code §55-7D-1 *et seq.*”;

On page 2, section 6, by striking out all of subsection 6.2;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 182—A Bill to amend and reenact §64-9-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain miscellaneous agencies and boards 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 Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia Seed Law; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of meat and poultry; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to a seed certification program; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia-exempted dairy farms and milk and milk products processing rules; authorizing the Auditor to promulgate a legislative rule relating to standards for requisitions for payment issued by state officers on the Auditor; authorizing the Funeral Service Examiners to promulgate a legislative rule relating to funeral director, embalmer, apprentice, courtesy card holders and funeral establishment requirements; authorizing the Funeral Service Examiners to promulgate a legislative rule relating to crematory requirements; authorizing the Funeral Service Examiners to promulgate a legislative rule relating to a fee schedule; authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to governing the West

Virginia Board of Hearing Aid Dealers; authorizing the Board Landscape Architects to promulgate a legislative rule relating to registration of landscape architects; authorizing the Board of Landscape Architects to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Livestock Care Standards Board to promulgate a legislative rule relating to livestock care standards; authorizing the Board of Medicine to promulgate a legislative rule relating to registration to practice during declared state of emergency; relating to authorizing the Municipal Pensions Oversight Board to promulgate a legislative rule relating to exempt purchasing; authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to telehealth practice requirements, and definitions; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to emergency temporary permits to practice during states of emergency or state of preparedness; authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Uniform Controlled Substances Act; authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy rules for continuing education for licensure of pharmacists; authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure of wholesale drug distributors, third-party logistics providers, and manufacturers; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Controlled Substances Monitoring Program; authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy Rules for immunizations administered by pharmacists and pharmacy interns; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for physical therapist and physical therapist's assistants; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for physical therapist and physical therapist's assistants; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for athletic trainers;

authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for athletic trainers; authorizing the Board of Professional Surveyors to promulgate a legislative rule relating to examination and licensing of professional surveyors in West Virginia; authorizing the Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers, and salespersons and the conduct of brokerage business; authorizing the Board of Respiratory Care to promulgate a legislative rule relating to criteria for licensure; authorizing the Secretary of State to promulgate a legislative rule relating to loan and grants programs under the Help America Vote Act (HAVA) for the purchase of voting equipment, election systems, software, services, and upgrades; authorizing the Secretary of State to promulgate a legislative rule relating to guidelines and standards for electronic notarizations; and authorizing the Board of Senior Services to promulgate a legislative rule relating to a shared table initiative for senior citizens.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 182, as amended by the House of Delegates, was then put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 182 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Sypolt—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 182) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Sypolt—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 182) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

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 2026—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-31; and to amend and reenact §11-24-7, all relating to the collection of income taxes generally; excluding compensation of certain temporary nonresident employees from state source income; changing the allocation of multi-state income from a four factor formula to a single sales factor; removing requirement that certain sales of tangible personal property be excluded when allocating sales of tangible personal property to this state; replacing the income-producing activity methodology for allocating sales of services and intangible property to this state with

a market-based sourcing methodology; and providing effective dates.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment, as amended by the House of Delegates, passage as amended with its Senate amended title, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

Eng. Com. Sub. for House Bill 2263, Update the regulation of pharmacy benefit managers.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

On page 18, section 9, line 74, by striking subsection (l) in its entirety and inserting a new subsection (l) all to read as follows:

(l) A covered individual's defined cost sharing for each prescription drug shall be calculated at the point of sale based on a price that is reduced by an amount equal to at least 100% of all rebates received, or to be received, in connection with the dispensing or administration of the prescription drug. Nothing precludes an insurer from decreasing a covered individual's defined cost sharing by an amount greater than what is previously stated.

On motion of Senator Takubo, the Senate refused to concur in the foregoing House amendment to the Senate amendments to the bill (Eng. Com. Sub. for H. B. 2263) and requested the House of Delegates to recede therefrom.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 2796—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021, in the amount of \$200,000 from the WV Board of Examiners for Registered Professional Nurses – Registered Professional Nurses, fund 8520, organization 0907, fiscal year 2021, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2021, organization 0307, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

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 2829—A Bill to amend and reenact §8-22-20 of the Code of West Virginia, 1931, as amended, relating to the amortization of annual impacts on funding deficiencies due to new gains or losses on assets and liabilities and changes in actuarial assumptions.

Referred to the Committee on Pensions.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 2897—A Bill expiring funds to the balance of the Department of Commerce, West Virginia Development Office, Marketing and Communications Operating Fund, fund 3002, fiscal year 2021, organization 0307, in the amount of \$222,563, from the Department of Commerce, West Virginia Development Office,

Synthetic Fuel – Producing County Fund, fund 3165, fiscal year 2021, organization 0307, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 2899—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Commerce, Division of Labor - Elevator Safety Fund, fund 3188, fiscal year 2021, organization 0308; the Department of Commerce, Division of Labor - Bedding and Upholstery Fund, fund 3198, fiscal year 2021, organization 0308; and that Chapter 11, Acts of the Legislature, Regular Session, 2020, known as the budget bill, be supplemented and amended by adding to Title II a new item of appropriation to the Department of Commerce, Division of Natural Resources – West Virginia Parks and Recreation Endowment Fund, fund 3211, fiscal year 2021, organization 0310 by supplementing, amending and adding appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 2920—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund, fund 5163, fiscal year 2021, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 22nd day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 2006), Relating to the West Virginia Contractor Licensing Act.

(Com. Sub. for H. B. 2008), Amending requirements for licensure relating to elevator mechanics, crane operators, HVAC, electricians, and plumbers.

And,

(Com. Sub. for H. B. 2013), Relating to the Hope Scholarship Program.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Dean Jeffries,
Chair, House Committee.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 23rd day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(**Com. Sub. for S. B. 5**), Relating to claims arising out of WV Consumer Credit and Protection Act.

(**Com. Sub. for S. B. 42**), Creating Zombie Property Remediation Act of 2021.

(**S. B. 89**), Exempting certain kindergarten and preschool programs offered by private schools from registration requirements.

And,

(**S. B. 523**), Correcting improper code references.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Dean Jeffries,
Chair, House Committee.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 516, Relating to PEIA in-patient rates.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Michael T. Azinger,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 535, Relating to rebuttable presumption for certain injuries and diseases from employment as firefighter.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 535 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to extending the expiration date of workers' compensation rebuttable presumptions regarding leukemia, lymphoma, and multiple myeloma arising out of and in the course of professional firefighter employment.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Michael T. Azinger,
Chair.

The bill (Com. Sub. for S. B. 535), under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 587, Making contract consummation with state more efficient.

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 601, Relating generally to public employees grievance procedure.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 601 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §6C-2-2, §6C-2-3, and §6C-2-6 of the Code of West Virginia, 1931, as amended, all relating to West Virginia public employee grievance procedure; establishing exceptions to the definition of “grievance”; requiring a signed and notarized grievance form; outlining the grievance motion to dismiss procedure; and providing for the payment of attorney’s fees upon a determination that a grievance or defense was brought in bad faith.

And,

Senate Bill 673, Relating to venue for bringing civil action or arbitration proceedings under construction contracts.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 673 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§56-1-1b, relating to venue for bringing a civil action or conducting proceedings under a construction contract; providing definitions; requiring that construction contracts entered into on or after July 1, 2021, provide that any civil action or arbitration called for or permitted by the contract take place in West Virginia; and providing that any provision in construction contracts mandating that civil actions or arbitrations take place outside West Virginia is unenforceable.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 693, Updating certain definitions and terms used in WV Personal Income Tax Act.

Eng. Com. Sub. for House Bill 2896, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

Eng. House Bill 2901, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

Eng. House Bill 2903, Making a supplementary appropriation to the Department of Homeland Security, West Virginia State Police.

And,

Eng. House Bill 2940, Making a supplementary appropriation to the Department of Education, State Board of Education – State Department of Education.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, one of the bills (S. B. 693) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Sypolt—1.

The bill was read a second time and ordered to engrossment and third reading.

Engrossed Senate Bill 693 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld,

Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Sypolt—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 693) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Sypolt—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 693) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

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 Joint Resolution 9, Disabled Veterans' Exemption from Ad Valorem Property Taxation Amendment.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Joint Resolution 9 (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to authorizing the Legislature by general law to exempt veterans who are awarded 100 percent service-connected disability from paying all or part of the ad valorem real property taxes on the property comprising their residences; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

And,

Senate Joint Resolution 10, Limiting the Terms of Members of the House of Delegates and Senate Amendment.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Joint Resolution 10 (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, amending section three, article VI thereof, relating generally to limiting the number of terms delegates and senators may serve; limiting delegates to six consecutive terms; limiting senators to three consecutive terms; establishing beginning date of limitation; declaring partial terms count as full terms; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

With the recommendation that the two committee substitutes be adopted; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee references of the resolutions contained in the foregoing report from 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 Concurrent Resolution 5, Urging Congress call Article V convention to impose fiscal restraints on federal government.

And reports the same back with the recommendation that it be adopted.

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

Eng. Com. Sub. for House Bill 2094, Relating to the juvenile restorative justice programs.

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.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Eng. Com. Sub. for House Bill 2221, Relating to the establishment of an insurance innovation process.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Michael T. Azinger,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with amendments from the Committee on Banking and Insurance pending.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2382, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. House Bill 2898, Making a supplementary appropriation to WorkForce West Virginia – Workforce Investment Act.

And has amended same.

And,

Eng. House Bill 2941, Supplementary appropriation decreasing an existing item and adding a new item of appropriation to the Department of Revenue, Insurance Commissioner.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended.

Respectfully submitted,

Eric J. Tarr,
Chair.

The Senate proceeded to the sixth order of business.

Senator Unger offered the following resolution:

Senate Resolution 27—Designating March 23, 2021, as Recovery Community Day at the Capitol.

Whereas, As recently as 2018, there were more than 700 overdose deaths in West Virginia and over 46,000 overdose deaths nationally involving the use of at least one opioid; and

Whereas, The coronavirus disease (COVID-19) pandemic and disruption to daily life has affected those with substance abuse substantially more, leading to an increase in opioid overdose in 37

of the 38 jurisdictions which provide data to the Centers for Disease Control and Prevention; and

Whereas, West Virginia has the highest number of opioid-related deaths per capita in the United States; and

Whereas, As many as 40,000 people nationally, including 4,000 youth, seek treatment for illegal drug use and fail to receive it in any given year; and

Whereas, One in 13 individuals 12 or older, and one in seven young adults aged 18-25, needed some form of intervention for substance use annually from 2015-2018; and

Whereas, Statistically, at least one student in every middle school and high school classroom in 2015-2018 needed treatment for substance use; and

Whereas, More than one in six high school students report drinking alcohol for the first time prior to turning 13; and

Whereas, In 2018, Congress enacted Public Law 115-271, the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act, known as the SUPPORT for Patients and Communities Act to address the nationwide opioid crisis; and

Whereas, A “recovery coach” is defined in the SUPPORT for Patients and Communities Act as an individual with knowledge of, or experience with, recovery from a substance use disorder who has completed training from, and is in good standing with, a recovery services organization capable of conducting such training and making such a determination; and

Whereas, Recovery coaches assist individuals in recovery by fostering social interactions, sharing experiences, promoting wellness and improved quality of life, improving coping skills, and supporting acceptance of illnesses or life situations; and

Whereas, Youth life/recovery coaches promote recovery by removing barriers and obstacles to social, emotional, and growth mindset learning and serving as personal guides and mentors for young people who are seeking help with life transitions and their journey to adulthood; and

Whereas, By working with recovery coaches, peers, and others in the community, individuals in recovery are able to establish a connection with society, gain and provide hope for others, counter the associated stigmas, and share the perspectives and truths gained during the journey; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 23, 2021, as Recovery Community Day at the Capitol; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Recovery Community Day.

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.

Thereafter, at the request of Senator Woelfel, and by unanimous consent, the remarks by Senator Unger regarding the adoption of Senate Resolution 27 were ordered printed in the Appendix to the Journal.

At the request of Senator Lindsay, unanimous consent being granted, the remarks by Senator Romano regarding the adoption of Senate Resolution 27 were ordered printed in the Appendix to the Journal.

Petitions

Senator Sypolt presented a petition from Chris Walker and numerous West Virginia residents, requesting the Legislature to repeal the state's motorcycle helmet law.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 40, Requesting study on benefits of deferred retirement option program for State Police.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Pensions; and then to the Committee on Rules.

Senate Concurrent Resolution 41, Requesting study on legal process for collection and enforcement of delinquent taxes and lands.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Rules.

Senate Concurrent Resolution 42, Firefighter Marvin Layton Hughes Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 43, US Army PVT Joseph Stanley McKinney Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 44, Harrison County Veterans Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 45, Dennis E. Davis Veterans Nursing Home.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Military.

Senate Concurrent Resolution 46, Stanley W. and Evelyn C. See Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 47, US Navy HM3 Roy Elmer “Doody” Moon Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 48, US Army PFC Billy Keith Ford Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 49, Requesting study on development and expansion of municipal recycling programs.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Rules.

Senate Concurrent Resolution 50, USMC SGT MAJ Herman H. Brawner and Fayma Brawner Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 51, Henry Preston Hickman Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Resolution 24, Urging President appoint Dr. Rahul Gupta as Director of Office of National Drug Control Policy.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Senate Resolution 25, Recognizing 100th anniversary of American Physical Therapy Association.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Tarr, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

(Senator Trump in the Chair.)

The question being on the adoption of the resolution, the same was put and prevailed.

Senate Resolution 26, Congratulating Wheeling Park High School Speech and Debate Team for winning state championship.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Ihlenfeld, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

(Senator Blair, Mr. President, in the Chair.)

The question being on the adoption of the resolution, the same was put and prevailed.

Thereafter, at the request of Senator Lindsay, and by unanimous consent, the remarks by Senators Ihlenfeld and Azinger regarding the adoption of Senate Resolution 26 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 395, Expanding PEIA Finance Board membership.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 395) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 398, Limiting eligibility of certain employers to participate in PEIA plans.

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, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Baldwin and Romano—2.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 398) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Baldwin and Romano—2.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 398) 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 478, Permitting use of established federal marketplace programs to purchase supplies.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 478) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 479, Relating to WV veterans service decoration and WV Service Cross.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 479) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 509, Removing requirement that determination of medical stability be found prior to admission to mental health facility.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Stollings, unanimous consent was granted to offer amendments to the bill on third reading.

Thereupon, on motion of Senator Stollings, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page one, section three, line three, after the word “code” by inserting the words “upon a finding by a licensed physician that the individual is medically stable,”;

On page two, section three, line fifteen, after the word “court” by striking out the remainder of the subdivision;

On page two, section three, line eighteen, by striking out the words “admission to” and inserting in lieu thereof the words “evaluation by”;

On page two, section three, line eighteen, after the word “facility” by inserting the words “as defined by §27-1-9 of this code,”;

On page two, section three, line nineteen, after the word “care,” by striking out the word “may” and inserting in lieu thereof the word “shall”;

On page two, section three, line nineteen, after the word “individual” by inserting the words “if clinically indicated”;

On page two, section three, line twenty-three, after (3), by inserting the following: “Notwithstanding anything herein to the contrary, the requirement for a licensed physician to make a finding that the individual is medically stable as provided by subdivision (1) of this subsection shall be stayed pending the evaluation of medical stability and medical clearance of such individuals as provided in subdivision (4) of this subsection: *Provided, That,*”;

On page two, section three, lines twenty-seven through twenty-nine, by striking out all of subdivision (4) and inserting in lieu thereof a new subdivision (4), to read as follows:

(4) The Secretary of the Department of Health and Human Resources shall, in collaboration with designees from each of the Supreme Court of Appeals, the Behavioral Health Care Providers Association, Disability Rights of West Virginia, the West Virginia Sheriff’s Association, the Board of Medicine, the West Virginia Psychiatric Association, West Virginia University and Marshall University with education, training, and/or experience in: (i) Issues related to medical stability and medical clearance of individuals to be involuntarily committed to a state hospital; and (ii) acute disease processes presenting as psychiatric emergencies, undertake an evaluation of the requirement that an individual be medically stable as provided in subdivision (1) of this subsection. No later than July 31, 2021, the secretary and the designees shall submit recommended draft legislation and any other written report of such evaluation to the President of the Senate and the Speaker of the House of Delegates.;

And,

On page four, section three-a, after line five, by adding the following:

§27-5-10. Transportation for the mentally ill or persons with substance use disorder.

(a) Whenever transportation of an individual is required under the provisions of §27-4-1 *et seq.* and §27-5-1 *et seq.* of this code, the sheriff shall provide immediate transportation to or from the appropriate mental health facility or state hospital: *Provided*, That, where hospitalization occurs pursuant to §27-4-1 *et seq.* of this code, the sheriff may permit, upon the written request of a person having proper interest in the individual's hospitalization, for the interested person to arrange for the individual's transportation to the mental health facility or state hospital if the sheriff determines that those means are suitable given the individual's condition.

(b) Upon written agreement between the county commission on behalf of the sheriff and the directors of the local community mental health center and emergency medical services, an alternative transportation program may be arranged. The agreement shall clearly define the responsibilities of each of the parties, the requirements for program participation, and the persons bearing ultimate responsibility for the individual's safety and well-being.

(c) *Use of certified municipal law-enforcement officers.* — Sheriffs and municipal governments may enter into written agreements by which certified municipal law-enforcement officers may perform the duties of the sheriff as described in this article. The agreement shall determine jurisdiction, responsibility of costs, and all other necessary requirements, including training related to the performance of these duties, and shall be approved by the county commission and circuit court of the county in which the agreement is made. For purposes of this subsection, "certified municipal law-enforcement officer" means any duly authorized member of a municipal law-enforcement agency who is empowered to maintain public peace and order, make arrests, and enforce the laws of this state or any political subdivision thereof, other than parking ordinances, and who is currently certified as a law-enforcement officer pursuant to §30-29-1 *et seq.* of this code.

(d) In the event an individual requires transportation to a state hospital as defined by §27-1-6 of this code, the sheriff or certified municipal law-enforcement officer shall contact the state hospital

in advance of the transportation to determine if the state hospital has suitable bed capacity to place the individual. In the event the sheriff or municipal law-enforcement office is informed by the state hospital that the state hospital lacks suitable bed capacity to place such individual, the sheriff or certified municipal law-enforcement officer shall transport such individual to a diversion facility in the state as designated by the chief medical officer of the state hospital.

(e) Nothing in this section is intended to alter security responsibilities for the patient by the sheriff unless mutually agreed upon as provided in subsection (c) of this section.

Following discussion,

The question being on the adoption of the amendments offered by Senator Stollings to the bill, the same was put and did not prevail.

On motion of Senator Plymale, the following amendment to the bill (Eng. Com. Sub. for S. B. 509) was next reported by the Clerk:

On page four, section three-a, after line five, by adding a new section, designated section ten, to read as follows:

§27-5-10. Transportation for the mentally ill or persons with substance use disorder.

(a) Whenever transportation of an individual is required under the provisions of §27-4-1 *et seq.* and §27-5-1 *et seq.* of this code, the sheriff, arresting officer, or certified municipal law-enforcement officer shall provide immediate transportation to or from the appropriate mental health facility or state hospital: *Provided, That*, where hospitalization occurs pursuant to §27-4-1 *et seq.* of this code, the sheriff may permit, upon the written request of a person having proper interest in the individual's hospitalization, for the interested person to arrange for the individual's transportation to the mental health facility or state hospital if the sheriff determines that those means are suitable given the individual's condition.

(b) Upon written agreement between the county commission on behalf of the sheriff and the directors of the local community mental health center and emergency medical services, an alternative transportation program may be arranged. The agreement shall clearly define the responsibilities of each of the parties, the requirements for program participation, and the persons bearing ultimate responsibility for the individual's safety and well-being.

(c) *Use of certified municipal law-enforcement officers.* — Sheriffs and municipal governments may enter into written agreements by which certified municipal law-enforcement officers may perform the duties of the sheriff as described in this article. The agreement shall determine jurisdiction, responsibility of costs, and all other necessary requirements, including training related to the performance of these duties, and shall be approved by the county commission and circuit court of the county in which the agreement is made. For purposes of this subsection, “certified municipal law-enforcement officer” means any duly authorized member of a municipal law-enforcement agency who is empowered to maintain public peace and order, make arrests, and enforce the laws of this state or any political subdivision thereof, other than parking ordinances, and who is currently certified as a law-enforcement officer pursuant to §30-29-1 *et seq.* of this code.

(d) In the event an individual requires transportation to a state hospital as defined by §27-1-6 of this code, the sheriff or certified municipal law-enforcement officer shall contact the state hospital in advance of the transportation to determine if the state hospital has suitable bed capacity to place the individual. In the event the sheriff, arresting officer, or certified municipal law-enforcement officer is informed by the state hospital that the state hospital lacks suitable bed capacity to place such individual, the sheriff, arresting officer, or certified municipal law-enforcement officer shall transport such individual to a diversion facility in the state as designated by the chief medical officer of the state hospital.

(e) Nothing in this section is intended to alter security responsibilities for the patient by the sheriff unless mutually agreed upon as provided in subsection (c) of this section.

At the request of Senator Plymale, and by unanimous consent, further consideration of the bill (Eng. Com. Sub. for S. B. 509) and Senator Plymale's pending amendment were deferred until the conclusion of bills on today's second reading calendar.

Eng. Com. Sub. for Senate Bill 586, Providing WV veterans discounts on fees and charges at state parks.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 586) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 2905, Relating to repealing the prohibition against the use of certain words.

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 House Bill 2905 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2905) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. House Bill 2905—A Bill to repeal §61-10-21 of the Code of West Virginia, 1931, as amended, relating to the criminal offense of using the word “Doctor” or the abbreviation “Dr.”, without specifying the type of degree held.

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 361, Extending supervision for conviction of soliciting minor and using obscene matter with intent to seduce minor.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 436, Relating generally to solid waste facilities.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Maynard, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 22. ENVIRONMENTAL RESOURCES.

ARTICLE 15. SOLID WASTE MANAGEMENT ACT.

§22-15-11. Solid waste assessment fee; penalties.

(a) *Imposition.* — A solid waste assessment fee is hereby imposed upon the disposal of solid waste at any solid waste disposal facility in this state in the amount of \$1.75 per ton or part thereof of solid waste. The fee imposed by this section is in addition to all other fees and taxes levied by law and shall be added to and constitute part of any other fee charged by the operator or owner of the solid waste disposal facility.

(b) *Collection, return, payment, and records.* — The person disposing of solid waste at the solid waste disposal facility shall pay the fee imposed by this section, whether or not the person owns the solid waste, and the fee shall be collected by the operator of the solid waste facility who shall remit it to the Tax Commissioner.

(1) The fee imposed by this section accrues at the time the solid waste is delivered to the solid waste disposal facility.

(2) The operator shall remit the fee imposed by this section to the Tax Commissioner on or before the 15th day of the month next succeeding the month in which the fee accrued. Upon remittance of the fee, the operator is required to file returns on forms and in the manner as prescribed by the Tax Commissioner.

(3) The operator shall account to the state for all fees collected under this section and shall hold them in trust for the state until remitted to the Tax Commissioner.

(4) If any operator fails to collect the fee imposed by this section, he or she is personally liable for the amount as he or she failed to collect, plus applicable additions to tax, penalties, and interest imposed by §11-10-1 *et seq.* of this code.

(5) Whenever any operator fails to collect, truthfully account for, remit the fee, or file returns with the fee as required in this section, the Tax Commissioner may serve written notice requiring the operator to collect the fees which become collectible after service of the notice, to deposit the fees in a bank approved by the Tax Commissioner, in a separate account, in trust for and payable to the Tax Commissioner, and to keep the amount of the fees in the account until remitted to the Tax Commissioner. The notice remains in effect until a notice of cancellation is served on the operator or owner by the Tax Commissioner.

(6) Whenever the owner of a solid waste disposal facility leases the solid waste facility to an operator, the operator is primarily liable for collection and remittance of the fee imposed by this section and the owner is secondarily liable for remittance of the fee imposed by this section. However, if the operator fails, in whole or in part, to discharge his or her obligations under this section, the owner and the operator of the solid waste facility are jointly and severally responsible and liable for compliance with the provisions of this section.

(7) If the operator or owner responsible for collecting the fee imposed by this section is an association or corporation, the officers thereof are liable, jointly and severally, for any default on

the part of the association or corporation, and payment of the fee and any additions to tax, penalties, and interest imposed by §11-10-1 *et seq.* of this code may be enforced against them as against the association or corporation which they represent.

(8) Each person disposing of solid waste at a solid waste disposal facility and each person required to collect the fee imposed by this section shall keep complete and accurate records in the form as the Tax Commissioner may require in accordance with the rules of the Tax Commissioner.

(c) *Regulated motor carriers.* — The fee imposed by this section and §7-5-22 of this code is considered a necessary and reasonable cost for motor carriers of solid waste subject to the jurisdiction of the Public Service Commission under §24A-1-1 *et seq.* of this code. Notwithstanding any provision of law to the contrary, upon the filing of a petition by an affected motor carrier, the Public Service Commission shall, within 14 days, reflect the cost of said fee in said motor carrier's rates for solid waste removal service. In calculating the amount of said fee to said motor carrier, the commission shall use the national average of pounds of waste generated per person per day as determined by the United States Environmental Protection Agency.

(d) *Definition of solid waste disposal facility.* — For purposes of this section, the term "solid waste disposal facility" means any approved solid waste facility or open dump in this state, and includes a transfer station when the solid waste collected at the transfer station is not finally disposed of at a solid waste disposal facility within this state that collects the fee imposed by this section. Nothing herein authorizes in any way the creation or operation of or contribution to an open dump.

(e) *Exemptions.* — The following transactions are exempt from the fee imposed by this section:

(1) Disposal of solid waste at a solid waste facility: ~~by (A)~~ By the person who owns, operates, or leases the solid waste disposal facility if it is used exclusively to dispose of waste originally

produced by that person in his or her regular business or personal activities; ~~or (B)~~ by persons utilizing the facility on a cost-sharing or nonprofit basis; or (C) by a mixed waste processing and resource recovery facility as those facilities are defined in code or rule and which processes a minimum of 70 percent of the material brought to the facility on any given day on a 30 day aggregate basis;

(2) Reuse or recycling of any solid waste;

(3) Disposal of residential solid waste by an individual not in the business of hauling or disposing of solid waste on the days and times as designated by the secretary is exempt from the solid waste assessment fee; and

(4) Disposal of solid waste at a solid waste disposal facility by a commercial recycler which disposes of 30 percent or less of the total waste it processes for recycling. In order to qualify for this exemption each commercial recycler must keep accurate records of incoming and outgoing waste by weight. The records must be made available to the appropriate inspectors from the division, upon request.

(f) *Procedure and administration.* — Notwithstanding the provisions of §11-10-3 of this code, each and every provision of the West Virginia Tax Procedure and Administration Act set forth in §11-10-1 *et seq.* of this code shall apply to the fee imposed by this section with like effect as if said act were applicable only to the fee imposed by this section and were set forth in extenso herein.

(g) *Criminal penalties.* — Notwithstanding the provisions of §11-9-2 of this code and, §11-3-3 through §11-3-17, inclusive, of this code shall apply to the fee imposed by this section with like effect as if said sections were applicable only to the fee imposed by this section and were set forth in extenso herein.

(h) *Dedication of proceeds.* — The net proceeds of the fee collected by the Tax Commissioner pursuant to this section shall be deposited at least monthly in an account designated by the secretary. The secretary shall allocate 25 cents for each ton of solid

waste disposed of in this state upon which the fee imposed by this section is collected and shall deposit the total amount so allocated into the Solid Waste Reclamation and Environmental Response Fund to be expended for the purposes hereinafter specified. The first \$1 million of the net proceeds of the fee imposed by this section collected in each fiscal year shall be deposited in the Solid Waste Enforcement Fund and expended for the purposes hereinafter specified. The next \$250,000 of the net proceeds of the fee imposed by this section collected in each fiscal year shall be deposited in the Solid Waste Management Board Reserve Fund, and expended for the purposes hereinafter specified: *Provided*, That in any year in which the Water Development Authority determines that the Solid Waste Management Board Reserve Fund is adequate to defer any contingent liability of the fund, the Water Development Authority shall so certify to the secretary and the secretary shall then cause no less than \$50,000 nor more than \$250,000 to be deposited to the fund: *Provided, however*, That in any year in which the Water Development Authority determines that the Solid Waste Management Board Reserve Fund is inadequate to defer any contingent liability of the fund, the Water Development Authority shall so certify to the secretary and the secretary shall then cause not less than \$250,000 nor more than \$500,000 to be deposited in the fund: *Provided further*, That if a facility owned or operated by the State of West Virginia is denied site approval by a county or regional solid waste authority, and if the denial contributes, in whole or in part, to a default, or drawing upon a reserve fund, on any indebtedness issued or approved by the Solid Waste Management Board, then in that event the Solid Waste Management Board or its fiscal agent may withhold all or any part of any funds which would otherwise be directed to the county or regional authority and shall deposit the withheld funds in the appropriate reserve fund. The secretary shall allocate the remainder, if any, of said net proceeds among the following three special revenue accounts for the purpose of maintaining a reasonable balance in each special revenue account, which are hereby continued in the State Treasury:

(1) The Solid Waste Enforcement Fund which shall be expended by the secretary for administration, inspection,

enforcement, and permitting activities established pursuant to this article;

(2) The Solid Waste Management Board Reserve Fund which shall be exclusively dedicated to providing a reserve fund for the issuance and security of solid waste disposal revenue bonds issued by the Solid Waste Management Board pursuant to §22C-3-1 *et seq.* of this code; and

(3) The Solid Waste Reclamation and Environmental Response Fund which may be expended by the secretary for the purposes of reclamation, cleanup, and remedial actions intended to minimize or mitigate damage to the environment, natural resources, public water supplies, water resources, and the public health, safety, and welfare which may result from open dumps or solid waste not disposed of in a proper or lawful manner.

(i) *Findings.* — In addition to the purposes and legislative findings set forth in §22-15-1 of this code, the Legislature finds as follows:

(1) In-state and out-of-state locations producing solid waste should bear the responsibility of disposing of said solid waste or compensate other localities for costs associated with accepting the solid waste;

(2) The costs of maintaining and policing the streets and highways of the state and its communities are increased by long distance transportation of large volumes of solid waste; and

(3) Local approved solid waste facilities are being prematurely depleted by solid waste originating from other locations.

(j) The Gas Field Highway Repair and Horizontal Drilling Waste Study Fund is hereby created as a special revenue fund in the State Treasury to be administered by the West Virginia Division of Highways and to be expended only on the improvement, maintenance, and repair of public roads of three lanes or less located in the Division of Highways district where the waste is deposited that are identified by the Commissioner of

Highways as having been damaged by trucks and other traffic associated with horizontal well drilling sites or the disposal of waste generated by the sites, and that experience congestion caused, in whole or in part, by the trucks and traffic that interferes with the use of said roads by residents in the vicinity of the roads: *Provided*, That up to \$750,000 from the fund shall be made available to the Department of Environmental Protection from the same fund to offset contracted costs incurred by the Department of Environmental Protection while undertaking the horizontal drilling waste disposal studies mandated by the provisions of §22-15-8(j) of this code. Any balance remaining in the special revenue account at the end of any fiscal year shall not revert to the General Revenue Fund but shall remain in the special revenue account and shall be used solely in a manner consistent with this section. The fund shall consist of the fee provided for in subsection (k) of this section.

(k) *Horizontal drilling waste assessment fee.* — An additional solid waste assessment fee is hereby imposed upon the disposal of drill cuttings and drilling waste generated by horizontal well sites in the amount of \$1 per ton, which fee is in addition to all other fees and taxes levied by this section or otherwise and shall be added to and constitute part of any other fee charged by the operator or owner of the solid waste disposal facility: *Provided*, That the horizontal drilling waste assessment fee shall be collected and administered in the same manner as the solid waste assessment fee imposed by this section, but shall be imposed only upon the disposal of drill cuttings and drilling waste generated by horizontal well sites.

ARTICLE 15A. THE A. JAMES MANCHIN REHABILITATION ENVIRONMENTAL ACTION PLAN.

§22-15A-19. Recycling assessment fee; regulated motor carriers; dedication of proceeds; criminal penalties.

(a) *Imposition.* — A recycling assessment fee is hereby levied and imposed upon the disposal of solid waste at all solid waste disposal facilities in this state, to be collected at the rate of \$2 per

ton or part of a ton of solid waste. The fee imposed by this section is in addition to all other fees levied by law.

(b) *Collection, return, payment, and records.* — The person disposing of solid waste at the solid waste disposal facility shall pay the fee imposed by this section, whether or not that person owns the solid waste, and the fee shall be collected by the operator of the solid waste facility who shall remit it to the Tax Commissioner:

(1) The fee imposed by this section accrues at the time the solid waste is delivered to the solid waste disposal facility;

(2) The operator shall remit the fee imposed by this section to the Tax Commissioner on or before the 15th day of the month next succeeding the month in which the fee accrued. Upon remittance of the fee, the operator shall file returns on forms and in the manner as prescribed by the Tax Commissioner;

(3) The operator shall account to the state for all fees collected under this section and shall hold them in trust for the state until they are remitted to the Tax Commissioner;

(4) If any operator fails to collect the fee imposed by this section, he or she is personally liable for the amount that he or she failed to collect, plus applicable additions to tax, penalties and interest imposed by §11-10-1 *et seq.* of this code;

(5) Whenever any operator fails to collect, truthfully account for, remit the fee or file returns with the fee as required in this section, the Tax Commissioner may serve written notice requiring the operator to collect the fees which become collectible after service of the notice, to deposit the fees in a bank approved by the Tax Commissioner, in a separate account, in trust for and payable to the Tax Commissioner, and to keep the amount of the fees in the account until remitted to the Tax Commissioner. The notice remains in effect until a notice of cancellation is served on the operator or owner by the Tax Commissioner;

(6) Whenever the owner of a solid waste disposal facility leases the solid waste facility to an operator, the operator is primarily liable for collection and remittance of the fee imposed by this section and the owner is secondarily liable for remittance of the fee imposed by this section. However, if the operator fails, in whole or in part, to discharge his or her obligations under this section, the owner and the operator of the solid waste facility are jointly and severally responsible and liable for compliance with the provisions of this section;

(7) If the operator or owner responsible for collecting the fee imposed by this section is an association or corporation, the officers of the association or corporation are liable, jointly and severally, for any default on the part of the association or corporation, and payment of the fee and any additions to tax, penalties and interest imposed by §11-10-1 *et seq.* of this code may be enforced against them and against the association or corporation which they represent; and

(8) Each person disposing of solid waste at a solid waste disposal facility and each person required to collect the fee imposed by this section shall keep complete and accurate records in the form required by the Tax Commissioner in accordance with the rules of the Tax Commissioner.

(c) *Regulated motor carriers.* — The fee imposed by this section is a necessary and reasonable cost for motor carriers of solid waste subject to the jurisdiction of the Public Service Commission under §24A-1-1 *et seq.* of this code. Notwithstanding any provision of law to the contrary, upon the filing of a petition by an affected motor carrier, the Public Service Commission shall, within 14 days, reflect the cost of the fee in the motor carrier's rates for solid waste removal service. In calculating the amount of the fee to the motor carrier, the Commission shall use the national average of pounds of waste generated per person per day as determined by the United States Environmental Protection Agency.

(d) *Definition.* — For purposes of this section, “solid waste disposal facility” means any approved solid waste facility or open dump in this state and includes a transfer station when the solid waste collected at the transfer station is not finally disposed of at a solid waste facility within this state that collects the fee imposed by this section.

Nothing in this section authorizes in any way the creation or operation of or contribution to an open dump.

(e) *Exemptions.* — The following transactions are exempt from the fee imposed by this section:

(1) Disposal of solid waste at a solid waste facility: ~~by (A) By~~ by (A) By the person who owns, operates, or leases the solid waste disposal facility if it is used exclusively to dispose of waste originally produced by that person in his or her regular business or personal activities; ~~or (B) by persons utilizing the facility on a cost-sharing or nonprofit basis; or (C) by a mixed waste processing and resource recovery facility as those facilities are defined in code or rule and which processes a minimum of 70 percent of the material brought to the facility on any given day on a 30 day aggregate basis;~~

(2) Reuse or recycling of any solid waste; and

(3) Disposal of residential solid waste by an individual not in the business of hauling or disposing of solid waste on the days and times designated by the secretary by rule as exempt from the fee imposed pursuant to §22-15-11 of this code.

(f) *Procedure and administration.* — Notwithstanding the provisions of §11-10-3 of this code, each and every provision of the West Virginia Tax Procedure and Administration Act set forth in §11-10-1 *et seq.* of this code applies to the fee imposed by this section with like effect as if the act were applicable only to the fee imposed by this section and were set forth in extenso in this section.

(g) *Criminal penalties.* — Notwithstanding §11-9-2 ~~of this code and~~, sections §11-9-3 through §11-9-17 of this code apply to the fee imposed by this section with like effect as if the sections

were the only fee imposed by this section and were set forth in extenso in this section.

(h) *Dedication of proceeds.* — The proceeds of the fee collected pursuant to this section shall be deposited by the Tax Commissioner, at least monthly, in a special revenue account designated as the Recycling Assistance Fund which is hereby continued and transferred to the Department of Environmental Protection. The secretary shall allocate the proceeds of the fund as follows:

(1) Fifty percent of the total proceeds shall be provided in grants to assist municipalities, counties, and other interested parties in the planning and implementation of recycling programs, public education programs and recycling market procurement efforts, established pursuant to this article. The secretary shall promulgate rules, in accordance with ~~§29A-1-1 et seq.~~ §29A-3-1 et seq. of this code, containing application procedures, guidelines for eligibility, reporting requirements, and other matters considered appropriate: *Provided*, That persons responsible for collecting, hauling, or disposing of solid waste who do not participate in the collection and payment of the solid waste assessment fee imposed by this section in addition to all other fees and taxes levied by law for solid waste generated in this state which is destined for disposal, are not eligible to receive grants under the provisions of this article;

(2) Twelve and one-half percent of the total proceeds shall be expended for personal services and benefit expenses of full-time salaried natural resources police officers;

(3) Twelve and one-half percent of the total proceeds shall be directly allocated to the solid waste planning fund;

(4) Twelve and one-half percent of the total proceeds shall be transferred to the Solid Waste Reclamation and Environmental Response Fund, established pursuant to §22-15-11 of this code, to be expended by the Department of Environmental Protection to assist in the funding of the pollution prevention and open dumps

program (PPOD) which encourages recycling, reuse, waste reduction, and clean-up activities; and

(5) Twelve and one-half percent of the total proceeds shall be deposited in the Hazardous Waste Emergency Response Fund established in §22-19-1 *et seq.* of this code.

ARTICLE 16. SOLID WASTE LANDFILL CLOSURE ASSISTANCE PROGRAM.

§22-16-4. Solid waste assessment fee; penalties.

(a) *Imposition.* — A solid waste assessment fee is levied and imposed upon the disposal of solid waste at any solid waste disposal facility in this state in the amount of \$3.50 per ton or like ratio on any part of a ton of solid waste, except as provided in subsection (e) of this section: *Provided*, That any solid waste disposal facility may deduct from this assessment fee an amount, not to exceed the fee, equal to the amount that the facility is required by the Public Service Commission to set aside for the purpose of closure of that portion of the facility required to close by §22-15-1 *et seq.* of this code. The fee imposed by this section is in addition to all other fees and taxes levied by law and shall be added to and constitute part of any other fee charged by the operator or owner of the solid waste disposal facility.

(b) *Collection, return, payment, and records.* — The person disposing of solid waste at the solid waste disposal facility shall pay the fee imposed by this section, whether or not that person owns the solid waste, and the fee shall be collected by the operator of the solid waste facility who shall remit it to the Tax Commissioner:

(1) The fee imposed by this section accrues at the time the solid waste is delivered to the solid waste disposal facility;

(2) The operator shall remit the fee imposed by this section to the Tax Commissioner on or before the 15th day of the month next succeeding the month in which the fee accrued. Upon remittance

of the fee, the operator shall file returns on forms and in the manner prescribed by the Tax Commissioner;

(3) The operator shall account to the state for all fees collected under this section and shall hold them in trust for the state until they are remitted to the Tax Commissioner;

(4) If any operator fails to collect the fee imposed by this section, he or she is personally liable for the amount he or she failed to collect, plus applicable additions to tax, penalties and interest imposed by §11-10-1 *et seq.* of this code;

(5) Whenever any operator fails to collect, truthfully account for, remit the fee or file returns with the fee as required in this section, the Tax Commissioner may serve written notice requiring the operator to collect the fees which become collectible after service of the notice, to deposit the fees in a bank approved by the Tax Commissioner, in a separate account, in trust for and payable to the Tax Commissioner, and to keep the amount of the fees in the account until remitted to the Tax Commissioner. The notice shall remain in effect until a notice of cancellation is served on the operator or owner by the Tax Commissioner;

(6) Whenever the owner of a solid waste disposal facility leases the solid waste facility to an operator, the operator is primarily liable for collection and remittance of the fee imposed by this section and the owner is secondarily liable for remittance of the fee imposed by this section. However, if the operator fails, in whole or in part, to discharge his or her obligations under this section, the owner and the operator of the solid waste facility are jointly and severally responsible and liable for compliance with the provisions of this section;

(7) If the operator or owner responsible for collecting the fee imposed by this section is an association or corporation, the officers of the association or corporation are liable, jointly and severally, for any default on the part of the association or corporation, and payment of the fee and any additions to tax, penalties and interest imposed by §11-10-1 *et seq.* of this code may

be enforced against them as against the association or corporation which they represent; and

(8) Each person disposing of solid waste at a solid waste disposal facility and each person required to collect the fee imposed by this section shall keep complete and accurate records in the form required by the Tax Commissioner in accordance with the rules of the Tax Commissioner.

(c) *Regulated motor carriers.* — The fee imposed by this section is a necessary and reasonable cost for motor carriers of solid waste subject to the jurisdiction of the Public Service Commission under §24A-1-1 *et seq.* of this code. Notwithstanding any provision of law to the contrary, upon the filing of a petition by an affected motor carrier, the Public Service Commission shall, within 14 days, reflect the cost of the fee in the motor carrier's rates for solid waste removal service. In calculating the amount of the fee to the motor carrier, the commission shall use the national average of pounds of waste generated per person per day as determined by the United States environmental protection agency.

(d) *Definitions.* — For purposes of this section, the term “solid waste disposal facility” means any approved solid waste facility or open dump in this state, and includes a transfer station when the solid waste collected at the transfer station is not finally disposed of at a solid waste facility within this state that collects the fee imposed by this section. Nothing in this section authorizes in any way the creation or operation of or contribution to an open dump.

(e) *Exemptions.* — The following transactions are exempt from the fee imposed by this section:

(1) Disposal of solid waste at a solid waste facility: ~~by (A)~~ (A) By the person who owns, operates, or leases the solid waste disposal facility if it is used exclusively to dispose of waste originally produced by that person in his or her regular business or personal activities; ~~or (B)~~ by persons utilizing the facility on a cost-sharing or nonprofit basis; or (C) by a mixed waste processing and resource recovery facility as those facilities are defined in code or rule and

which processes a minimum of 70 percent of the material brought to the facility on any given day on a 30 day aggregate basis;

(2) Reuse or recycling of any solid waste;

(3) Disposal of residential solid waste by an individual not in the business of hauling or disposing of solid waste on the days and times designated by the director as exempt from the solid waste assessment fee; and

(4) Disposal of solid waste at a solid waste disposal facility by a commercial recycler which disposes of 30 percent or less of the total waste it processes for recycling. In order to qualify for this exemption each commercial recycler shall keep accurate records of incoming and outgoing waste by weight. The records shall be made available to the appropriate inspectors from the division, upon request.

(f) *Procedure and administration.* — Notwithstanding §11-10-3 of this code, each and every provision of the “West Virginia Tax Procedure and Administration Act” set forth in §11-10-1 *et seq.* of this code applies to the fee imposed by this section with like effect as if the act were applicable only to the fee imposed by this section and were set forth in extenso in this section.

(g) *Criminal penalties.* — Notwithstanding §11-9-2 ~~of this code and~~, sections §11-9-3 through §11-9-17 of this code apply to the fee imposed by this section with like effect as if the sections were applicable only to the fee imposed by this section and were set forth in extenso in this section.

(h) *Dedication of proceeds.* — (1) The proceeds of the fee collected pursuant to this section shall be deposited in the closure cost assistance fund established pursuant to §22-16-12 of this code: *Provided*, That the director may transfer up to 50 cents for each ton of solid waste disposed of in this state upon which the fee imposed by this section is collected on or after July 1, 1998, to the solid waste enforcement fund established pursuant to §22-15-11 of this code.

(2) Fifty percent of the proceeds of the fee collected pursuant to this article in excess of 30,000 tons per month from any landfill which is permitted to accept in excess of 30,000 tons per month pursuant to §22-15-9 of this code shall be remitted, at least monthly, to the county commission in the county in which the landfill is located. The remainder of the proceeds of the fee collected pursuant to this section shall be deposited in the closure cost assistance fund established pursuant to §22-16-12 of this code.

**CHAPTER 22C. ENVIRONMENTAL RESOURCES;
BOARDS, AUTHORITIES, COMMISSIONS, AND
COMPACTS.**

**ARTICLE 4. COUNTY AND REGIONAL SOLID WASTE
AUTHORITIES.**

**§22C-4-30. Solid waste assessment interim fee; regulated
motor carriers; dedication of proceeds; criminal penalties.**

(a) *Imposition.* — Effective July 1, 1989, a solid waste assessment fee is hereby levied and imposed upon the disposal of solid waste at any solid waste disposal facility in this state to be collected at the rate of \$1 per ton or part thereof of solid waste. The fee imposed by this section is in addition to all other fees levied by law.

(b) *Collection, return, payment, and record.* — The person disposing of solid waste at the solid waste disposal facility shall pay the fee imposed by this section, whether or not such person owns the solid waste, and the fee shall be collected by the operator of the solid waste facility who shall remit it to the Tax Commissioner.

(1) The fee imposed by this section accrues at the time the solid waste is delivered to the solid waste disposal facility.

(2) The operator shall remit the fee imposed by this section to the Tax Commissioner on or before the 15th day of the month next succeeding the month in which the fee accrued. Upon remittance

of the fee, the operator is required to file returns on forms and in the manner as prescribed by the Tax Commissioner.

(3) The operator shall account to the state for all fees collected under this section and shall hold them in trust for the state until they are remitted to the Tax Commissioner.

(4) If any operator fails to collect the fee imposed by this section, he or she is personally liable for such amount as he or she failed to collect, plus applicable additions to tax, penalties and interest imposed by §11-10-1 *et seq.* of this code.

(5) Whenever any operator fails to collect, truthfully account for, remit the fee, or file returns with the fee as required in this section, the Tax Commissioner may serve written notice requiring such operator to collect the fees which become collectible after service of such notice, to deposit such fees in a bank approved by the Tax Commissioner, in a separate account, in trust for and payable to the Tax Commissioner, and to keep the amount of such fees in such account until remitted to the Tax Commissioner. Such notice remains in effect until a notice of cancellation is served on the operator or owner by the Tax Commissioner.

(6) Whenever the owner of a solid waste disposal facility leases the solid waste facility to an operator, the operator is primarily liable for collection and remittance of the fee imposed by this section and the owner is secondarily liable for remittance of the fee imposed by this section. However, if the operator fails, in whole or in part, to discharge his or her obligations under this section, the owner and the operator of the solid waste facility are jointly and severally responsible and liable for compliance with the provisions of this section.

(7) If the operator or owner responsible for collecting the fee imposed by this section is an association or corporation, the officers thereof are liable, jointly and severally, for any default on the part of the association or corporation, and payment of the fee and any additions to tax, penalties and interest imposed by §11-10-

1 *et seq.* of this code may be enforced against them as against the association or corporation which they represent.

(8) Each person disposing of solid waste at a solid waste disposal facility and each person required to collect the fee imposed by this section shall keep complete and accurate records in such form as the Tax Commissioner may require in accordance with the rules of the Tax Commissioner.

(c) *Regulated motor carriers.* — The fee imposed by this section and §7-5-22 of this code is a necessary and reasonable cost for motor carriers of solid waste subject to the jurisdiction of the Public Service Commission under §24A-1-1 *et seq.* of this code. Notwithstanding any provision of law to the contrary, upon the filing of a petition by an affected motor carrier, the Public Service Commission shall, within 14 days, reflect the cost of said fee in said motor carrier's rates for solid waste removal service. In calculating the amount of said fee to said motor carrier, the commission shall use the national average of pounds of waste generated per person per day as determined by the United States Environmental Protection Agency.

(d) *Definition of solid waste disposal facility.* — For purposes of this section, the term "solid waste disposal facility" means any approved solid waste facility or open dump in this state and includes a transfer station when the solid waste collected at the transfer station is not finally disposed of at a solid waste facility within this state that collects the fee imposed by this section. Nothing herein authorizes in any way the creation or operation of or contribution to an open dump.

(e) *Exemptions.* — The following transactions are exempt from the fee imposed by this section:

(1) Disposal of solid waste at a solid waste facility: ~~by~~ (A) By the person who owns, operates, or leases the solid waste disposal facility if it is used exclusively to dispose of waste originally produced by that person in his or her regular business or personal activities; ~~or~~ (B) by persons utilizing the facility on a cost-sharing

or nonprofit basis; or (C) by a mixed waste processing and resource recovery facility as those facilities are defined in code or rule and which processes a minimum of 70 percent of the material brought to the facility on any given day on a 30 day aggregate basis;

(2) Reuse or recycling of any solid waste;

(3) Disposal of residential solid waste by an individual not in the business of hauling or disposing of solid waste on such days and times as designated by the director of the Division of Environmental Protection as exempt from the fee imposed pursuant to §22-15-11 of this code; and

(4) Disposal of solid waste at a solid waste disposal facility by a commercial recycler which disposes of 30 percent or less of the total waste it processes for recycling. In order to qualify for this exemption each commercial recycler must keep accurate records of incoming and outgoing waste by weight. Such records must be made available to the appropriate inspectors from the Division of Environmental Protection of solid waste authority, upon request.

(f) *Procedure and administration.* — Notwithstanding §11-10-3 of this code, each and every provision of the West Virginia Tax Procedure and Administration Act set forth in §11-10-1 *et seq.* of this code applies to the fee imposed by this section with like effect as if said act were applicable only to the fee imposed by this section and were set forth in extenso herein.

(g) *Criminal penalties.* — Notwithstanding §11-9-2 of this code, sections §11-9-3 through §11-9-17 of this code apply to the fee imposed by this section with like effect as if said sections were the only fee imposed by this section and were set forth in extenso herein.

(h) *Dedication of proceeds.* — The net proceeds of the fee collected by the Tax Commissioner pursuant to this section shall be deposited, at least monthly, in a special revenue account known as the Solid Waste Planning Fund which is hereby continued. The

solid waste management board shall allocate the proceeds of the said fund as follows:

(1) Fifty percent of the total proceeds shall be divided equally among, and paid over, to, each county solid waste authority to be expended for the purposes of this article: *Provided*, That where a regional solid waste authority exists, such funds shall be paid over to the regional solid waste authority to be expended for the purposes of this article in an amount equal to the total share of all counties within the jurisdiction of said regional solid waste authority; and

(2) Fifty percent of the total proceeds shall be expended by the solid waste management board for:

(A) Grants to the county or regional solid waste authorities for the purposes of this article; and

(B) Administration, technical assistance, or other costs of the solid waste management board necessary to implement the purposes of this article and §22C-3-1 *et seq.* of this code.

(i) *Effective date.* — This section is effective on July 1, 1990.

CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-1m. Commission jurisdiction does not extend to materials recovery facilities, mixed waste processing facilities, and oil and natural gas solid waste disposal.

Notwithstanding any other provision of this code, the jurisdiction of the commission does not extend to materials recovery facilities or mixed waste processing facilities as defined by §22-15-2 of this code, except within a 35 mile radius of a facility sited in a county that is, in whole or in part, within a karst region as determined by the West Virginia Geologic and Economic Survey that has been permitted and classified by the ~~WVDEP~~ West

Virginia Department of Environment Protection as a mixed waste processing resource recovery facility and has received a certificate of need by July 1, 2016: *Provided*, That nothing in this section shall affect the requirements of §24A-2-5 and §24A-3-3 of this code: *Provided, however*, That the jurisdiction of the commission does not extend to any mixed waste processing and resource recovery facility.

The bill (Com. Sub. for S. B. 436), as amended, was then ordered to engrossment and third reading.

Senate Bill 486, Relating to powers and duties of Chief Technology Officer.

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 487, Updating Division of Purchasing procurement and spending thresholds.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 551, Revising forms of living will, medical power of attorney, and combined medical power of attorney and living will.

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 565, Relating generally to elections.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 577, Exempting certain fire departments from licensure requirements for providing rapid response services.

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 590, Removing restriction preventing medical marijuana from being in edible form.

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 610, Providing tuition and fee waivers at state higher education institutions for volunteers who have completed service in AmeriCorps programs in WV.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Senate Bill 644, Exempting certain persons pursuing degree in speech pathology and audiology from license requirements.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Senate Bill 651, Allowing county boards of education to publish financial statements on website.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 658, Requiring sheriff's departments to participate and utilize Handle With Care Program for trauma-inflicted children.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 2621, Mandating certification for certain members of fire departments, require certain types of training, allow specialized personnel who are not firefighters to be members of a department, and require the postings of fire department evaluations.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 2797, Declaring certain claims to be moral obligations of the State.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Tarr, the following amendment to the bill was reported by the Clerk and adopted:

On page two, section one, subsection (d), by striking out the word "GENERAL" and inserting in lieu thereof the word "SPECIAL".

The bill (Eng. Com. Sub. for H. B. 2797), as amended, was then ordered to third reading.

Eng. House Bill 2854, Relating to the West Virginia Municipal Police Officers and Firefighters Retirement System.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 2855, Relating to the Natural Resources Police Officers Retirement System.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The end of today's second reading calendar having been reached, the Senate returned to the consideration of

Eng. Com. Sub. for Senate Bill 509, Removing requirement that determination of medical stability be found prior to admission to mental health facility.

On third reading, coming up in deferred order, with Senator Plymale's amendment to the bill pending, was again reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with Senator Plymale's amendment to the bill pending (*shown in the Senate Journal of today, pages 1266 through 1268*).

(Senator Clements in the Chair.)

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

Com. Sub. for Senate Bill 483, Allowing oaths be taken before any person authorized to administer oaths.

And,

Eng. Com. Sub. for House Bill 2400, Authorizing the Department of Transportation to promulgate legislative rules.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Hamilton and Beach.

At the request of Senator Beach, and by unanimous consent, the Senate stood in observance of a moment of silence in recognition of the victims of the various mass shootings that have taken place in the United States.

At the request of Senator Woelfel, unanimous consent being granted, the remarks by Senator Hamilton were ordered printed in the Appendix to the Journal.

At the request of Senator Lindsay, and by unanimous consent, the remarks by Senator Beach were ordered printed in the Appendix to the Journal.

At the request of Senator Romano, unanimous consent being granted, the Senate returned to the eleventh order of business and the introduction of guests.

The Senate then proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on March 22, 2021:

Com. Sub. for Senate Bill 464: Senator Hamilton;

And,

Senate Bill 649: Senator Lindsay.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on March 22, 2021:

- Senate Bill 516:** Senator Hamilton;
- Senate Bill 535:** Senator Hamilton;
- Senate Bill 622:** Senator Caputo;
- Senate Bill 666:** Senator Karnes;
- Senate Bill 675:** Senator Karnes;
- Senate Bill 677:** Senators Karnes and Lindsay;
- Senate Bill 680:** Senator Roberts;
- Senate Bill 681:** Senator Karnes;
- Senate Bill 683:** Senators Baldwin and Roberts;
- Senate Bill 685:** Senators Smith and Karnes;
- Senate Bill 688:** Senators Romano and Lindsay;
- Senate Bill 689:** Senators Jeffries and Stollings;
- Senate Bill 690:** Senator Lindsay;
- Senate Bill 692:** Senator Smith;
- Senate Bill 694:** Senators Jeffries, Romano, and Lindsay;
- Senate Bill 697:** Senators Jeffries, Romano, and Karnes;
- Senate Bill 699:** Senator Karnes;
- Senate Bill 700:** Senator Karnes;
- Senate Bill 701:** Senators Lindsay and Romano;
- Senate Bill 703:** Senator Roberts;
- Senate Bill 705:** Senators Stollings, Baldwin, and Woelfel;

Senate Bill 706: Senator Lindsay;

Senate Bill 708: Senator Stollings;

Senate Bill 709: Senator Karnes;

Senate Joint Resolution 9: Senators Weld and Lindsay;

Com. Sub. for Senate Joint Resolution 11: Senator Lindsay;

Senate Concurrent Resolution 40: Senators Jeffries, Romano, and Lindsay;

Senate Concurrent Resolution 42: Senators Jeffries and Lindsay;

Senate Concurrent Resolution 43: Senators Jeffries and Lindsay;

Senate Concurrent Resolution 44: Senators Jeffries and Lindsay;

Senate Concurrent Resolution 45: Senators Jeffries, Baldwin, and Lindsay;

Senate Concurrent Resolution 46: Senators Jeffries, Smith, and Lindsay;

Senate Concurrent Resolution 47: Senators Stollings and Lindsay;

Senate Concurrent Resolution 48: Senators Jeffries, Stollings, and Lindsay;

Senate Concurrent Resolution 49: Senators Baldwin and Lindsay;

Senate Concurrent Resolution 50: Senators Caputo, Jeffries, and Lindsay;

Senate Concurrent Resolution 51: Senators Jeffries and Lindsay;

Senate Resolution 24: Senators Rucker, Jeffries, Baldwin, Romano, Roberts, and Lindsay;

Senate Resolution 25: Senators Rucker, Caputo, and Romano;

And,

Senate Resolution 26: Senators Rucker, Jeffries, Clements, and Lindsay.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:56 p.m., the Senate adjourned until tomorrow, Wednesday, March 24, 2021, at 11 a.m.

WEDNESDAY, MARCH 24, 2021

The Senate met at 11:03 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Jay Eckhart, Senate Fiscal Officer, Hurricane, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Rollan A. Roberts, a senator from the ninth district.

Pending the reading of the Journal of Tuesday, March 23, 2021,

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.

Senator Blair (Mr. President) announced that, under the provisions of Senate Resolution 6 (*Adopting special rule of order relating to proxy voting due to COVID-19 pandemic*) adopted February 22, 2021, Senators Martin and Sypolt had been approved to vote by proxy and that Senator Takubo had been designated to vote on their behalf.

The Senate proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 9, Continuing Licensed Racetrack Modernization Fund.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page two, section ten, line nineteen, following the words “up to”, by striking out the words “\$10 million” and inserting in lieu thereof the words “\$9 million”;

And,

On page nine, section ten, following line two hundred eighteen, by inserting a new subsection (j) to read as follows:

“(j) If a court of competent jurisdiction finds that the provisions of this section as amended and reenacted in 2021 and the provisions of §29-22A-10d of this code conflict and cannot be harmonized, the provisions of §29-22A-10d shall control.”

Senator Takubo moved that the Senate concur in the House of Delegates amendments to the bill.

Following discussion,

The question being on the adoption of the aforesated motion, the same was put and prevailed.

Engrossed Committee Substitute for Senate Bill 9, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Beach, Caputo, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Nelson, Phillips, Plymale, Romano, Rucker, Stollings, Swope, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—21.

The nays were: Azinger, Baldwin, Boley, Clements, Grady, Maroney, Martin (by proxy), Maynard, Roberts, Smith, Stover, Sypolt (by proxy), and Takubo—13.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 9) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 10, Modifying racetrack licensing due date.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 305, Providing exemption from consumers sales and service tax for certain aircraft maintenance.

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 2195—A Bill to amend and reenact §17C-4-7 of the Code of West Virginia, 1931, as amended, relating to motor vehicle crash reports; requiring the investigating law-enforcement officer, within 48 hours of a motor vehicle crash, to share the owner/operator and insurance information for all the involved parties with all the other involved parties and/or their insurance agents.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2368—A Bill to repeal §16-39-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-39-1 of the code; and to amend said code by adding thereto new sections, designated §61-39-2 and §61-39-8, generally relating to visitation of a patient in a healthcare facility during a declared public health state of emergency for contagious disease, to be known as “Mylissa Smith’s Law”; establishing a short title; providing definitions; establishing that visitation of a patient is allowed at any time if the patient’s death is imminent; further providing that if death is not imminent visitation shall be allowed at any time and frequency; requiring a visitor to comply with applicable facility procedures; and, establishing that the health care entity is not liable for civil damages due to disease exposure to visitors or other patients or residents during visitation unless the facility failed to substantially comply with applicable procedures established by the health care entity.

Referred to the Committee on Health and Human Resources; and then 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 2630—A Bill to amend and reenact §22-1-16 of the Code of West Virginia, 1931, as amended, relating to the payment of fines assessed by the West Virginia Department of Environmental Protection against a political subdivision of the state; and authorizing certain forgiveness of a fine under certain circumstances.

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 2760—A Bill to amend and reenact §11-13Q-9, §11-13Q-10, §11-13Q-10a and §11-13Q-22 of the Code of West Virginia, 1931, as amended, all relating to economic development incentive tax credits; specifying economic opportunity tax credit new jobs percentage of 10 percent corresponding to the creation of 10 new jobs; terminating §11-13Q-10 to prevent conflict with the 10 new jobs language added to the economic opportunity tax credit; specifying changes to §11-13Q-22, to resolve technical conflict with other sections; eliminating superannuated reference to business franchise tax; eliminating superannuated reporting requirement; specifying manufacturing activities that qualify for high technology manufacturing tax credit; providing definitions; proscribing multiple tax credits for the same qualified investment; making stylistic changes pursuant to current drafting conventions; specifying effective dates.

Referred to the Committee on Finance.

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 2785—A Bill to amend and reenact §18-8-1a of the Code of West Virginia, 1931, as amended, relating to requirements for compulsory school attendance; providing that parent and guardian make determination to remove child from kindergarten program; updating references and removing outdated language; prohibiting further placement testing for first grade placement in certain instances; requiring enrollment in same grade level as state or program from which student transferred; and requiring certain transcripts or credentials to be accepted as record of students previous performance for placement and credit assignment.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 3010—A Bill to amend and reenact §11-6L-4 of the Code of West Virginia, 1931, as amended, relating to the valuation of new cell towers at salvage value for ad valorem property tax purposes, providing that cell towers not subject to valuation by the Board of Public Works will be valued and assessed according to procedures set forth in §11-3-1 et seq. of the West Virginia Code.

Referred to the Committee on Finance.

Executive Communications

The Clerk then presented the following communication from His Excellency, the Governor, regarding bills approved by him:



Jim Justice
Governor of West Virginia

March 24, 2021

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Committee Substitute for House Bill No. Two Thousand Eleven (2011), which was presented to me on March 18, 2021.

You will note that I have approved this bill on March 24, 2021.

Sincerely,

A handwritten signature in black ink that reads "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 24th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 469), Permitting and establishing requirements for appearance by video for purpose of notarial acts.

(Com. Sub. for H. B. 2009), Relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities.

(Com. Sub. for H. B. 2372), Allow pre-candidacy papers to be filed the day after the general election.

(Com. Sub. for H. B. 2616), Amend the reporting to the Governor and the Legislature to have information continuously available on the Office of Health Facility Licensure and Certification's website.

(Com. Sub. for H. B. 2682), Relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements.

(H. B. 2709), Providing that the aggregate liability of a surety on a consumer protection bond under the West Virginia Fintech Regulatory Sandbox Program does not exceed the principal sum of the bond.

And,

(H. B. 2764), Allow the Division of Financial Institutions to enter into reciprocity agreements with other jurisdictions that

operate similar programs to the West Virginia Fintech Sandbox Program.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Dean Jeffries,
Chair, House Committee.

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 419, Redefining “firearm” to match federal code.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 419 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-7-2 of the Code of West Virginia, 1931, as amended, relating to definitions of dangerous weapons; defining “antique firearm”; and redefining “firearm” so as not to be more restrictive than the federal definition.

And,

Senate Bill 458, Relating to possession of firearms by individuals during state of emergency.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 458 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-5-9a of the Code of West Virginia, 1931, as amended, relating to modifying and limiting the power of government entities regarding the possession of firearms and related products by individuals during

a declared state of emergency; and allowing prevailing plaintiff to recover actual damages, court costs and fees, and attorney's fees.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 470, Limiting release of certain personal information maintained by state agencies.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 470 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5A-8-21 and §5A-8-22 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5A-8-24, all relating to clarifying that disclosure of certain information such as home addresses are exempt and disclosure would constitute an unreasonable invasion of privacy; providing prohibition of disclosure of home address or unpublished telephone number of certain public officials within the justice system; creating a cause of action for intentional or reckless disregard for disclosure of protected information of certain public officials within the justice system; providing a procedure for removal request of certain information for certain public officials within the justice system; and providing a cause of action for failure to comply with a removal request of certain information for certain public officials within the justice system.

With the recommendation that the committee substitute do pass; but with the further recommendation that it first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Maynard, unanimous consent being granted, the bill (Com. Sub. for S. B. 470) contained in the foregoing report from the Committee on Government Organization was then referred to the Committee on the Judiciary.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 474, Exempting DOH from Purchasing Division procedures.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 474 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §5A-3-3 of the Code of West Virginia, 1931, as amended, relating to expanding the authority of the Division of Highways to utilize its own purchasing and contracting system and expanding the exemption from requirements of the Purchasing Division within the Department of Administration.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 474) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 488, Relating to distributing hotel occupancy tax to convention and visitor's bureaus.

And,

Senate Bill 521, Extending licensure renewal term of certain private investigators, security guards, and associated firms.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 534, Permitting Economic Development Authority to make working capital loans from revolving loan fund capitalized with federal grant funds.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 534 (originating in the Committee on Finance)—A Bill to amend and reenact §12-6C-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §31-15-6 and §31-15-20 of said code, all relating generally to economic development loans and loan insurance issued by the state; clarifying provision stating that the Board of Treasury Investments has no fiduciary duty with regard to economic development loans administered by the Economic Development Authority; providing that the Board of Treasury Investments may inspect and copy, upon written notice, all records related to loans made available by the board to the Economic Development Authority; increasing the revolving loan capacity from the Board of Treasury Investments to the Economic Development Authority to an amount not to exceed \$250 million; authorizing the Economic Development Authority to make working capital loans from a revolving loan fund capitalized with federal grant funds including those federal grant funds received from the United States Economic Development Administration; and clarifying that the authority is not authorized to enter into contracts or agreements with financial institutions for banking goods or services without the approval of the State Treasurer.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 550, Providing counties with authority to impose county sales and use tax of up to one percent under certain circumstances.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 550 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1 and §7-28-2; and to amend and reenact §11-10-11c of said code, all relating generally to the authorization and administration of county sales and use taxes; setting forth legislative intent; providing counties with authority to impose a county sales and use tax of one percent under certain circumstances; clarifying that a county sales and use tax does not apply to incorporated areas of the county; requiring counties imposing a county sales tax to use the services of the Tax Commissioner to administer the tax; and setting forth administrative procedures for the collection and administration of such taxes.

And,

Senate Bill 613, Adding classification and base salaries of certain civilian employees of State Police Forensic Laboratory.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 613 (originating in the Committee on Government Organization)—A Bill to amend and reenact §15-2-5 and §15-2-7 of the Code of West Virginia, 1931, as amended, all relating to adding the classification and base salaries of certain civilian employees of the West Virginia State Police Forensic Laboratory as Evidence Custodians I-IV, Forensic Technicians I-III, Forensic Scientists I-VI, and Forensic Scientist Supervisors I-IV; and authorizing the inclusion of certain exempt civilian employees in supplemental pay option.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bills (Com. Sub. for S. B. 550 and 613), under the original double committee references, were then referred to the Committee on Finance.

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 585, Requiring BOE create and provide course in family and consumer sciences in secondary schools.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 585 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7g, relating to allowing the State Board of Education to develop a program of instruction in family and consumer sciences, or specific subjects within family and consumer sciences, that may be integrated into the curriculum for students in secondary schools.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 588, Requiring county boards of education and county superintendents to comply with instructions of State Board of Education.

And,

Senate Bill 680, Allowing State Superintendent of Schools define classroom teachers certified in special education.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 604, Requiring WV State Police follow towing service policies of county.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 604 (originating in the Committee on Government Organization)—A Bill to amend and reenact §24-6-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §24A-2-2b of said code, all relating to emergency towing services; requiring county commissions to create districts whereby towing services within a district may be dispatched or implement a policy whereby all available towing services within an area currently served by an organization are dispatched on a rotating basis; defining a term; and amending the sunset and legislative review provisions.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 640, Creating Tobacco Cessation Initiative Program Special Revenue Account within State Treasury.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 640 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9G-3, relating to the Tobacco Cessation Initiative Program; creating the Tobacco Cessation Initiative Program Special Revenue Account within the State Treasury to be administered by the Director of the Bureau for Public Health; and requiring reporting.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,
Chair.

The bill (Com. Sub. for S. B. 640), under the original double committee reference, was then referred to the Committee on Finance.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 677, Relating generally to miners' safety, health, and training standards.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Randy E. Smith,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 710 (originating in the Committee on Education)—A Bill to amend and reenact §18-5-13a of the Code of West Virginia, 1931, as amended, relating to requiring an impact statement in certain instances of a school closing or consolidation; requiring State Board of Education rule detailing information that a county board is required to include as part of its impact statement; and setting forth minimum requirements for the rule.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 711 (originating in the Committee on Education)—
A Bill to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, relating to the school aid formula; and changing the minimum enrollment to 1,200 students in each county.

And reports the same back with the recommendation that it do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Rucker, unanimous consent being granted, the bill (S. B. 711) contained in the foregoing report from the Committee on Education was then referred to the Committee on Finance.

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 Joint Resolution 1, Protection of the Right to Bear Arms Amendment.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Joint Resolution 1 (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, amending section 22, article III thereof, relating to the right to keep and bear arms; prohibiting county or municipal governments from enacting ordinances, acts, resolutions, or rules that are contrary to, or more restrictive than, state law governing the sale, transfer, possession, use, storage, taxation, registration, licensing, or carrying of firearms, ammunition, or firearm accessories; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

With the recommendation that the committee substitute be adopted; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The resolution (Com. Sub. for S. J. R. 1), under the original double committee reference, was then referred to the Committee on Finance.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Joint Resolution 11, Constitutional Officer Term Limit Amendment.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Concurrent Resolution 14, Creating WV Women's Suffrage Memorial.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 14 (originating in the Committee on Government Organization)—Requesting that the Joint Committee on Government and Finance recognize the historical legacy of West Virginia suffragists through the creation of the West Virginia Women's Suffrage Memorial, to be located on the Capitol grounds as a permanent reminder of the impact of the suffragists on West Virginia's past, present, and future.

Whereas, The definition of a suffragist is a person advocating to extend the right to vote to more people and especially women; and

Whereas, West Virginia suffragists worked for decades from the advent of statehood to 1920 to win the vote for women in West Virginia and expand the democratic participation in society of women; and

Whereas, The accomplishments and contributions of women have not been fully recognized in West Virginia; and

Whereas, Their sacrifices for a long, persistent, and heroic struggle are not well-known; and

Whereas, The beautiful grounds of our State Capitol would be a proper place to honor women's struggle for their rights including the right to vote; and

Whereas, It is fitting that a permanent memorial be established to honor the lives and work of West Virginia suffragists; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance recognize the historical legacy of West Virginia suffragists through the creation of the West Virginia Women's Suffrage Memorial, to be located on the Capitol grounds as a permanent reminder of the impact of the suffragists on West Virginia's past, present, and future; and, be it

Further resolved, That the West Virginia Governor shall establish a nine-member commission called the Suffragist Memorial Committee. The committee shall be composed of: One member of the Senate; one member of the House of Delegates; one representative of the Governor's office; one representative from the Office of the Secretary of State; one representative of the League of Women Voters; one representative of the Kanawha Valley National Organization for Women; one member of the WVU Women's Studies Program; one member of the Marshall University Women's Studies Program; and one representative of the West Virginia Division of Culture and History; and, be it

Further resolved, That the work of the committee will be staffed by the West Virginia Women's Commission to provide administrative support to organize meetings and record minutes of all meetings; and, be it

Further resolved, That meetings will begin in July of 2021 and meet monthly until December 31, 2021. During this time, the committee will consult with the public about the project, research the suffragists active in getting the vote ratified in West Virginia, and choose one prominent suffragist to be honored; and, be it

Further Resolved, That beginning in January 2022, the committee shall consult on the cost of the project, begin to solicit funds, and ultimately solicit proposals for creation of a memorial

on the Capitol grounds upon approval of the Capitol Grounds Building Authority; and, be it

Further resolved, That the Clerk of the Senate is hereby directed to forward a copy of the resolution to the West Virginia Women's Commission.

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

Mark R. Maynard,
Chair.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 23, USMC CPL Guy Maywood Edwards Memorial Bridge.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Charles H. Clements,
Chair.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 2260, Relating to procurement of child placing services.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

The Senate proceeded to the sixth order of business.

Senators Blair (Mr. President) and Baldwin (By Request of the Executive) offered the following resolution:

Senate Concurrent Resolution 52—Providing for the issuance of, not to exceed \$22 million, refunding bonds pursuant to the Safe Roads Amendment of 1996, §13-2G-1 *et seq.*, and §17-26-1 *et seq.* of the Code of West Virginia.

Resolved by the Legislature of West Virginia:

That safe road refunding bonds in the principal amount not to exceed \$22 million are authorized to be issued by the State of West Virginia and sold by the Governor during the fiscal year ending June 30, 2021 or the fiscal year ending June 30, 2022. The bonds shall be issued in registered form and may be issued by the Governor in such amounts and in one or more series, in such denominations, at such times during that fiscal year and bearing the date or dates as the Governor may determine; and, be it

Further Resolved, That all bonds shall be payable at the Office of the Treasurer of the State of West Virginia or at a paying agent designated by the Governor. The bonds shall be dated and mature on dates and at times as the Governor shall determine. The bonds shall bear interest at rates not exceeding five percent per annum, payable semiannually or annually. The Treasurer of the State of West Virginia shall issue his or her check for the interest and principal then due on the same dates each year and mail it to the registered owner at the addresses shown by the record of registration or shall provide the requisite funds by electronic means acceptable to the public municipal finance industry. The bonds may

be redeemable on a date or dates prior to maturity as determined by the Governor; and, be it

Further Resolved, That the bonds shall be signed on behalf of the State of West Virginia as provided under §17-26-2 of the Code of West Virginia; and, be it

Further Resolved, That the Governor shall sell the bonds herein mentioned at a time or times during the fiscal year as he may determine necessary to provide funds for the purposes provided below; and, be it

Further Resolved, That the net proceeds of all sales of bonds herein authorized shall be paid into a special and irrevocable trust fund, separate and apart from other funds of the State of West Virginia, to be held in the custody of an escrow trustee to be designated by the Governor; and, be it

Further Resolved, That an irrevocable deposit of said moneys in trust for, and such moneys and the investments thereof, together with any income or interest earned thereon, shall be applied to the payment of the principal or redemption price of and interest on certain issued and outstanding state road bonds, to be selected by the Governor, as the same become due and payable.

Which, under the rules, lies over one day.

Senator Phillips offered the following resolution:

Senate Resolution 28—Recognizing the importance of coal-fired power plants and coal resources to West Virginia’s future.

Whereas, West Virginia has a rich history cultivating domestic energy and the continued recovery and utilization of coal resources are important to the state’s economy; and

Whereas, The diversity of fuel used to generate electricity is significant to providing reliable and economical energy to the citizens of West Virginia, and the state can continue to take advantage of opportunities in clean energy while supporting our

remaining coal-fired power plants and those who rely on their operation; and

Whereas, West Virginia must continue to fight against unreasonable federal regulations intended to crush coal-fired power plants and coal production even while it accepts the importance of diversifying our energy resources; and

Whereas, Coal is an important fuel source for keeping household energy costs low in the state of West Virginia; and

Whereas, Over 600 coal-fired power plants nationally have been forced to close under unobtainable and unreasonable federal regulations, and 18 coal-fired electrical units within West Virginia's borders have been forced to close; and

Whereas, West Virginia should take steps to maintain its coal-fired power plants including, but not limited to, requiring that any financial subsidies received by manufacturers of renewable sources of energy, such as wind, solar, and hydro power, be paid to or used for the benefit of the coal-fired power plants still operating in West Virginia; and

Whereas, Coal resources are necessary to maintain a baseload of predictable and sustainable sources of power to avoid disasters like that recently experienced in Texas following a February 2021 ice storm, which caused extended blackouts, a critical fuel supply failure, and compromised homeland security and defense measures; and

Whereas, When emergency weather situations arise, such as ice storms, snow storms, flooding, etc., clean burning West Virginia coal is the only source of reliable power, and other forms of energy production, such as wind, solar, or hydro power, are simply not adequate to meet the needs of West Virginians; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the importance of its coal-fired power plants and coal resources to West Virginia's future; and, be it

Further Resolved, That coal-fired power plants and coal resources are necessary to sustain and protect the baseload of power generation for West Virginians and to reinforce homeland security and defense measures; and, be it

Further Resolved, That investing in the protection and sustainability of West Virginia's coal-fired power plants and coal resources can help build a stronger economy in the Mountain State.

Which, under the rules, lies over one day.

Senator Takubo offered the following resolution:

Senate Resolution 29—Recognizing the 20th anniversary of the West Virginia Rural Health Infrastructure Loan Fund.

Whereas, The Center for Rural Health Development, Inc.'s mission is to strengthen West Virginia's health care infrastructure and improve the health of all West Virginians; and

Whereas, Access to an appropriate level of health care is an important factor in maintaining a high quality of life and positively impacting business location decisions; and

Whereas, The Center for Rural Health Development, Inc. (center) created the West Virginia Rural Health Infrastructure Loan Fund (loan fund) in 2001 to strengthen West Virginia's rural health infrastructure by meeting the capital financing needs of West Virginia's health care providers; and

Whereas, The center's loan fund has partnered with 20 West Virginia banks to make capital financing available to health care provider organizations throughout the state; and

Whereas The West Virginia Legislature appropriated \$2.5 million to fund the center's loan fund over several years; and

Whereas, The center's loan fund has made over 145 loans in 39 counties, which has leveraged over \$59 million in capital improvement financing in West Virginia; and

Whereas, Since 2001 the center's loan fund has experienced no losses to date; and

Whereas, The center's loan fund makes loans available to community health centers, hospitals, physician practices, dental practices, independent pharmacies, and other licensed health care provider organizations; and

Whereas, The center's loan fund has helped to ensure the opportunity for health care providers to remain in or open new practices in rural communities throughout our state, subsequently increasing rural West Virginians' access to health care; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the 20th anniversary of the West Virginia Rural Health Infrastructure Loan Fund; and, be it

Further Resolved, That the Senate commends the Center for Rural Health Development, Inc., and the positive impact it has in improving the quality of life for West Virginians through strengthening West Virginia's health care infrastructure; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Sharon L. Lansdale, President and CEO of the Center for Rural Health Development, Inc., and the appropriate representatives of the West Virginia Department of Health and Human Resources and the West Virginia Health Care Authority.

Which, under the rules, lies over one day.

At the request of Senator Takubo, and by unanimous consent, the Senate returned to the fourth order of business.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Concurrent Resolution 53 (originating in the Committee on Health and Human Resources)—Encouraging certain facilities to improve or offer access to palliative care programs.

Whereas, Palliative care access remains a challenge across the state of West Virginia and increasing awareness of the availability of this service will align with many of the state's goals to improve a patient's health care experience and quality; and

Whereas, Palliative care empowers people to live as fully as possible, surrounded and supported by family and loved ones, despite serious, though not necessarily terminal, illness; and

Whereas, Palliative care brings patients and family caregivers the highest quality of care delivered by an interdisciplinary team of skilled professionals that includes physicians, advanced practice registered nurses or registered nurses, social workers, counselors, spiritual providers, and consulting pharmacists who make the wishes of each patient and family member a priority; and

Whereas, The interdisciplinary team-based model of care process is designed to relieve suffering and improve quality every day living for patients and families through pain management and symptom control, caregiver training and assistance, and emotional and spiritual support; and

Whereas, This care should be available at any stage of illness from birth to advanced age and offered simultaneously with disease modifying interventions, including attempts for cure and remission; and

Resolved by the Legislature of West Virginia:

That the Legislature hereby encourages certain facilities to improve or offer access to palliative care programs; and, be it

Further Resolved, That every long-term care facility or hospital of 50 beds or more offering skilled nursing care should be encouraged to offer a palliative care program to their patients; and, be it

Further Resolved, That every home health and hospice provider should be encouraged to offer palliative care to their patients to complete the continuum of care provided to these patients.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Michael J. Maroney,
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 Concurrent Resolution 54 (originating in the Committee on the Judiciary)—Urging Congress and the President of the United States to protect the Second Amendment of the United States Constitution.

Whereas, The Second Amendment of the United States Constitution, ratified in 1791 as part of the Bill of Rights, provides that, “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed”; and

Whereas, The right to keep and bear arms is a fundamental right which is embodied in the constitutions of 44 states, and

represents the belief of James Madison that the federal government does not have the authority to disarm citizens; and

Whereas, The Supreme Court of the United States in the case of the *District of Columbia v. Heller*, 554 U.S 570 (2008), ruled that the undue restriction of handguns, which are commonly used for traditionally lawful purposes like self-protection within the home, is a violation of the Second Amendment of the United States Constitution and declared that the Second Amendment shall be read to, “guarantee the individual right to possess and carry weapons in case of confrontation”; and

Whereas, The Supreme Court of the United States in the case of *McDonald v. Chicago*, 561 U.S 742 (2010), ruled that the “right to keep and bear arms” as protected by the Second Amendment, is incorporated within the Due Process Clause of the Fourteenth Amendment; and

Whereas, The Supreme Court of the United States in *McDonald v. Chicago*, held that the Fourteenth Amendment makes the Second Amendment right to keep and bear arms for the purpose of self-defense applicable to the states; and

Whereas, Justice Samuel A. Alito gave the opinion of the court in *McDonald v. Chicago* stating that rights that are “fundamental to our scheme of ordered liberty” and are “deeply rooted in the country’s history and tradition” are applied to the states through the Fourteenth Amendment; and

Whereas, On November 4th, 1986, the Right to Keep and Bear Arms Amendment to the West Virginia Constitution was approved by the voters of West Virginia, stating that, “A person has the right to keep and bear arms for the defense of self, family, home, and state, and for lawful hunting and recreational use”; and

Whereas, The Right to Keep and Bear Arms Amendment to the West Virginia Constitution was overwhelmingly approved by voters of this great state, which reflects the importance of not unduly restricting this unalienable right; and

Whereas, The citizenry of West Virginia urges the acknowledgment and protection of the right to keep and bear arms; and

Whereas, The natural rights enshrined within the founding of our nation should be protected to the greatest degree possible; and

Whereas, It is the desire of the West Virginia Legislature to respectfully urge Congress and the President of the United States to not unreasonably restrict citizens' right to keep and bear arms; and

Whereas, Any efforts made to restrict these rights unreasonably will, within the limits of state and federal law, be met with strong opposition and the utilization of all lawful means in order to protect the citizens of West Virginia; and

Whereas, The West Virginia Legislature honors the U.S Supreme Court precedent affirming the right to keep and bear arms and supports both the United States Constitution and the West Virginia Constitutional provisions which protect this cherished right; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges Congress and the President of the United States to protect the Second Amendment of the United States Constitution; and, be it

Further Resolved, That the Legislature expresses its unwavering support of the unalienable right to keep and bear arms; and, be it

Further Resolved, That the Legislature opposes any executive action by the President of the United States or any act of Congress that unreasonably restricts an individual's right to keep and bear arms, firearm accessories, or ammunition; and, further

Further Resolved, That the Legislature beseeches Congress to forego and refrain from the enactment of any law or laws that

would infringe upon the constitutional right to keep and bear arms; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Governor of West Virginia, the Majority Leader of the United States Senate, the Speaker of the House of the United States House of Representatives, the President of the United States, the Honorable Joe Manchin, the Honorable Shelley Moore Capito, the Honorable David McKinley, the Honorable Alex Mooney, and the Honorable Carol Miller.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 5, Urging Congress call Article V convention to impose fiscal restraints on federal government.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 436, Relating generally to solid waste facilities.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 436) passed.

On motion of Senator Maynard, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 436—A Bill to amend and reenact §22-15-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-15A-19 of said code; to amend and reenact §22-16-4 of said code; to amend and reenact §22C-4-30 of said code; and to amend and reenact §24-2-1m of said code, all relating to solid waste facilities; specifying that a mixed waste resource recovery facility is not a solid waste facility; setting processing requirements; providing for exemption of solid mixed waste resource recovery facilities from certain fees; and clarifying that mixed waste resource recovery facilities are not subject to the jurisdiction of the Public Service Commission.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill 486, Relating to powers and duties of Chief Technology Officer.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

Eng. Com. Sub. for Senate Bill 509, Removing requirement that determination of medical stability be found prior to admission to mental health facility.

On third reading, coming up in regular order, with Senator Plymale's amendment to the bill pending, was reported by the Clerk.

At the request of Senator Plymale, and by unanimous consent, Senator Plymale's amendment to the bill (*shown in the Senate Journal of yesterday, Tuesday, March 23, 2021, pages 1266 through 1268*), was withdrawn.

At the request of Senator Plymale, unanimous consent was granted to offer amendments to the bill on third reading.

Thereupon, on motion of Senator Plymale, the following amendment to the bill was reported by the Clerk:

On page four, section three-a, after line five, by adding a new section, designated section ten, to read as follows:

§27-5-10. Transportation for the mentally ill or persons with substance use disorder.

(a) Whenever transportation of an individual is required under the provisions of §27-4-1 *et seq.* and §27-5-1 *et seq.* of this code, the sheriff, arresting officer, or certified municipal law-enforcement officer shall provide immediate transportation to or from the appropriate mental health facility or state hospital: *Provided, That*, where hospitalization occurs pursuant to §27-4-1 *et seq.* of this code, the sheriff may permit, upon the written request of a person having proper interest in the individual's hospitalization, for the interested person to arrange for the

individual's transportation to the mental health facility or state hospital if the sheriff determines that those means are suitable given the individual's condition.

(b) Upon written agreement between the county commission on behalf of the sheriff and the directors of the local community mental health center and emergency medical services, an alternative transportation program may be arranged. The agreement shall clearly define the responsibilities of each of the parties, the requirements for program participation, and the persons bearing ultimate responsibility for the individual's safety and well-being.

(c) *Use of certified municipal law-enforcement officers.* — Sheriffs and municipal governments may enter into written agreements by which certified municipal law-enforcement officers may perform the duties of the sheriff as described in this article. The agreement shall determine jurisdiction, responsibility of costs, and all other necessary requirements, including training related to the performance of these duties, and shall be approved by the county commission and circuit court of the county in which the agreement is made. For purposes of this subsection, "certified municipal law-enforcement officer" means any duly authorized member of a municipal law-enforcement agency who is empowered to maintain public peace and order, make arrests, and enforce the laws of this state or any political subdivision thereof, other than parking ordinances, and who is currently certified as a law-enforcement officer pursuant to §30-29-1 *et seq.* of this code.

(d) In the event an individual requires transportation to a state hospital as defined by §27-1-6 of this code, the sheriff or certified municipal law-enforcement officer shall contact the state hospital in advance of the transportation to determine if the state hospital has suitable bed capacity to place the individual.

(e) Nothing in this section is intended to alter security responsibilities for the patient by the sheriff unless mutually agreed upon as provided in subsection (c) of this section.

Following discussion,

The question being on the adoption of Senator Plymale's amendment to the bill, the same was put and did not prevail.

On motion of Senator Plymale, the following amendment to the bill (Eng. Com. Sub. for S. B. 509) was next reported by the Clerk:

On page four, section three-a, after line five, by adding a new section, designated section ten, to read as follows:

§27-5-10. Transportation for the mentally ill or persons with substance use disorder.

(a) Whenever transportation of an individual is required under the provisions of §27-4-1 *et seq.* and §27-5-1 *et seq.* of this code, the sheriff shall provide immediate transportation to or from the appropriate mental health facility or state hospital: *Provided*, That, where hospitalization occurs pursuant to §27-4-1 *et seq.* of this code, the sheriff may permit, upon the written request of a person having proper interest in the individual's hospitalization, for the interested person to arrange for the individual's transportation to the mental health facility or state hospital if the sheriff determines that those means are suitable given the individual's condition.

(b) Upon written agreement between the county commission on behalf of the sheriff and the directors of the local community mental health center and emergency medical services, an alternative transportation program may be arranged. The agreement shall clearly define the responsibilities of each of the parties, the requirements for program participation, and the persons bearing ultimate responsibility for the individual's safety and well-being.

(c) *Use of certified municipal law-enforcement officers.* — Sheriffs and municipal governments may enter into written agreements by which certified municipal law-enforcement officers may perform the duties of the sheriff as described in this article. The agreement shall determine jurisdiction, responsibility of costs, and all other necessary requirements, including training related to

the performance of these duties, and shall be approved by the county commission and circuit court of the county in which the agreement is made. For purposes of this subsection, “certified municipal law-enforcement officer” means any duly authorized member of a municipal law-enforcement agency who is empowered to maintain public peace and order, make arrests, and enforce the laws of this state or any political subdivision thereof, other than parking ordinances, and who is currently certified as a law-enforcement officer pursuant to §30-29-1 *et seq.* of this code.

(d) In the event an individual requires transportation to a state hospital as defined by §27-1-6 of this code, the sheriff or certified municipal law-enforcement officer shall contact the state hospital in advance of the transportation to determine if the state hospital has suitable bed capacity to place the individual. In the event the sheriff, arresting officer, or certified municipal law-enforcement officer is informed by the state hospital that the state hospital lacks suitable bed capacity to place such individual, the sheriff, arresting officer, or certified municipal law-enforcement officer shall transport such individual to a diversion facility in the state as designated by the chief medical officer of the state hospital.

(e) Nothing in this section is intended to alter security responsibilities for the patient by the sheriff unless mutually agreed upon as provided in subsection (c) of this section.

Following discussion,

The question being on the adoption of Senator Plymale’s amendment to the bill, the same was put and prevailed.

On motion of Senator Maroney, the following amendment to the bill (Eng. Com. Sub. for S. B. 509) was next reported by the Clerk and adopted:

On page two, section three, line fifteen, after the word “court.” by striking out the remainder of the subdivision.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 509 was then read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 509 pass?”

At the request of Senator Ihlenfeld, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

Eng. Com. Sub. for Senate Bill 551, Revising forms of living will, medical power of attorney, and combined medical power of attorney and living will.

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 551 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 551) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 565, Relating generally to elections.

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, Boley, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: Baldwin, Beach, Caputo, Lindsay, and Romano—5.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 565) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill 577, Exempting certain fire departments from licensure requirements for providing rapid response services.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Senate Bill 577 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld,

Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 577) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 577) 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 590, Removing restriction preventing medical marijuana from being in edible form.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 590 pass?”

On the passage of the bill, the yeas were: Baldwin, Beach, Caputo, Clements, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Nelson, Phillips, Plymale, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—26.

The nays were: Azinger, Boley, Grady, Karnes, Martin (by proxy), Maynard, Roberts, and Tarr—8.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 590) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2621, Mandating certification for certain members of fire departments, require certain types of training, allow specialized personnel who are not firefighters to be members of a department, and require the postings of fire department evaluations.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2621) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 2797, Declaring certain claims to be moral obligations of the State.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2797) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2797) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 2854, Relating to the West Virginia Municipal Police Officers and Firefighters Retirement System.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2854) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 2855, Relating to the Natural Resources Police Officers Retirement System.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin (by proxy), Maynard,

Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt (by proxy), Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2855) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 361, Extending supervision for conviction of soliciting minor and using obscene matter with intent to seduce minor.

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 483, Allowing oaths be taken before any person authorized to administer oaths.

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 487, Updating Division of Purchasing procurement and spending thresholds.

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 610, Providing tuition and fee waivers at state higher education institutions for volunteers who have completed service in AmeriCorps programs in WV.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 644, Exempting certain persons pursuing degree in speech pathology and audiology from license requirements.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 651, Allowing county boards of education to publish financial statements on website.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Trump, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 9. SCHOOL FINANCES.

§18-9-3a. Preparation, publication, and disposition of financial statements by county boards of education.

(a) The county board of every county, within 90 days after the beginning of each fiscal year, shall prepare on a form to be prescribed by the State Tax Commissioner and the state superintendent of free schools, and cause to be published, a statement ~~revealing~~ providing the following information:

~~(a)~~ (1) The receipts and expenditures of the board during the previous fiscal year arranged under descriptive headings;

~~(b) the~~ (2) The name of each firm, corporation, and person who received more than \$250 in the aggregate from all funds during the previous fiscal year, together with the aggregate amount received from all funds and the purpose for which paid: *Provided, That such statement shall not include the name of any person who has entered*

~~into a contract with this board pursuant to the provisions of sections two, three, four and five, article two, chapter eighteen-a of this code; and~~

~~(e) all (3) All~~ debts of the board, the purpose for which each debt was contracted, its due date, and to what date the interest thereon has been paid.

~~Such~~ (b) The financial statement shall be published as a either:

(1) As a Class I-0 legal advertisement in compliance with the provisions of §59-3-1 et seq. of this code, and the publication area for such publication shall be the county. The county board shall pay the cost of publishing such statement from the maintenance fund of the board; or

(2) On the county board's website: *Provided*, That the county board shall, prior to publishing a financial statement on the county board's website for the first time after the effective date of the changes made by the amendments to this section enacted during the 2021 regular session of the Legislature, hold a public hearing at which interested persons may express their views on whether the county board should publish the statement as a Class I-0 legal advertisement or on the county board's website: *Provided, however*, That upon publishing a financial statement on the county board's website for the first time after the effective date of the changes made by the amendments to this section enacted during the 2021 regular session of the Legislature, public notice of the availability of such website posting shall be published once a week in a qualified newspaper of general circulation for two successive weeks.

(c) The financial statement, if published as a Class I-0 legal advertisement, shall not include the name of any person who has entered into a contract with the county board pursuant to the provisions of §18A-2-2, §18A-2-3, §18A-2-4, and §18A-2-5 of this code.

(d) The financial statement, if published on the county board's website, shall remain posted on the county board's website at least until publication of the next annual statement, and shall include:

(1) The name of every person who has entered into a contract with the county board pursuant to the provisions of §18A-2-2, §18A-2-3, §18A-2-4, and §18A-2-5 of this code, and amounts paid to each;

(2) Budget estimates; and

(3) A list of the names of each firm, corporation, and person who received less than \$250 from any fund during such fiscal year showing the amount paid to each and the purpose for which paid.

(e) The county board shall pay the cost of publishing the financial statement, if published as a Class I-0 legal advertisement, from the maintenance fund of the board.

(f) As soon as is practicable following the close of the fiscal year, a copy of the published statement herein required shall be filed by the county board with the State Tax Commissioner and with the state superintendent of free schools.

(g) The county board shall transmit to any resident of the county requesting the same a copy of the published statement for the fiscal year designated, supplemented by a list of the names of all school personnel employed by the board during such fiscal year showing the amount paid to each, and a list of the names of each firm, corporation, and person who received less than ~~\$500~~ \$250 from any fund during such fiscal year showing the amount paid to each and the purpose for which paid.

(h) The changes made by the amendments to this section enacted during the 2021 regular session of the Legislature shall be effective for financial statements for the fiscal year commencing on July 1, 2023.

Following discussion,

The question being on the adoption of Senator Trump's amendment to the bill, the same was put and prevailed.

The bill (S. B. 651), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 658, Requiring sheriff's departments to participate and utilize Handle With Care Program for trauma-inflicted children.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill 2400, Authorizing the Department of Transportation to promulgate legislative rules.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 8. AUTHORIZATION FOR DEPARTMENT OF
TRANSPORTATION TO PROMULGATE LEGISLATIVE
RULES.**

§64-8-1. Division of Highways.

The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §17-2A-8 of this code, relating to the Division of Highways (traffic and safety rules, 157 CSR 05), is authorized.

§64-8-2. Division of Motor Vehicles.

(a) The legislative rule filed in the State Register on August 11, 2020, authorized under the authority of §17B-2-15 of this code,

modified by the Division of Motor Vehicles to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 29, 2020, relating to the Division of Motor Vehicles (examination and issuance of driver's license, 91 CSR 04), is authorized with the following amendment:

On page 4, after subdivision 3.11.e., by adding a new subdivision 3.11.f. to read as follows:

3.11.f. In the Commissioner's discretion, the Division may accept a social security number provided by any applicant for a driver's license or identification card without a document presented as proof of social security number when the United States Social Security Administration verifies the social security number electronically, except for license types where a social security card or document submission is mandated by federal law or regulation.

(b) The legislative rule filed in the State Register on August 19, 2020, authorized under the authority of §17A-2-9 of this code, relating to the Division of Motor Vehicles (denial, suspension, revocation, disqualification, restriction, non-renewal, cancellation, administrative appeals and reinstatement of driving privileges, 91 CSR 05), is authorized.

(c) The legislative rule filed in the State Register on August 28, 2020, authorized under the authority of §17A-2-9 of this code, modified by the Division of Motor Vehicles to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 29, 2020, relating to the Division of Motor Vehicles (compulsory motor vehicle liability insurance, 91 CSR 13), is authorized.

(d) The legislative rule filed in the State Register on August 7, 2020, authorized under the authority of §17A-13-1(m) of this code, modified by the Division of Motor Vehicles to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 17, 2020, relating to the Division of Motor Vehicles (special purpose vehicles, 91 CSR 25), is authorized.

The bill (Eng. Com. Sub. for H. B. 2400), as amended, was then ordered to third reading.

(Senator Woodrum in the Chair.)

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 587, Making contract consummation with state more efficient.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for Senate Bill 601, Relating generally to public employees grievance procedure.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for Senate Bill 673, Relating to venue for bringing civil action or arbitration proceedings under construction contracts.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for Senate Joint Resolution 9, Disabled Veterans' Exemption from Ad Valorem Property Taxation Amendment.

On first reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the resolution was referred to the Committee on Finance.

Com. Sub. for Senate Joint Resolution 10, Limiting the Terms of Members of the House of Delegates and Senate Amendment.

On first reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the resolution was referred to the Committee on Finance.

Eng. Com. Sub. for House Bill 2094, Relating to the juvenile restorative justice programs.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Eng. Com. Sub. for House Bill 2382, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Eng. Com. Sub. for House Bill 2896, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Eng. House Bill 2898, Making a supplementary appropriation to WorkForce West Virginia – Workforce Investment Act.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Eng. House Bill 2901, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Eng. House Bill 2903, Making a supplementary appropriation to the Department of Homeland Security, West Virginia State Police.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Eng. House Bill 2940, Making a supplementary appropriation to the Department of Education, State Board of Education – State Department of Education.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Eng. House Bill 2941, Supplementary appropriation decreasing an existing item and adding a new item of appropriation to the Department of Revenue, Insurance Commissioner.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Maroney and Baldwin.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following resolution on March 23, 2021:

Senate Concurrent Resolution 33: Senator Jeffries.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on March 23, 2021:

Senate Bill 419: Senator Woodrum;

Com. Sub. for Senate Bill 445: Senator Unger;

Senate Bill 453: Senator Rucker;

Senate Bill 455: Senator Rucker;

Senate Bill 458: Senators Grady, Roberts, Azinger, and Woodrum;

Senate Bill 470: Senator Woodrum;

Senate Bill 474: Senator Plymale;

Senate Bill 488: Senator Woodrum;

Senate Bill 520: Senator Unger;

Senate Bill 534: Senator Stollings;

Senate Bill 543: Senator Unger;

Senate Bill 550: Senator Lindsay;

Senate Bill 579: Senator Unger;

Senate Bill 581: Senator Unger;

Senate Bill 583: Senator Unger;

Com. Sub. for Senate Bill 587: Senator Woodrum;

Senate Bill 598: Senator Unger;

Senate Bill 599: Senators Grady and Unger;

Senate Bill 612: Senator Unger;

Senate Bill 613: Senators Lindsay and Woodrum;

Com. Sub. for Senate Bill 614: Senator Unger;

Senate Bill 622: Senator Unger;

Senate Bill 627: Senator Unger;

Senate Bill 630: Senator Grady;

Senate Bill 640: Senators Unger, Woodrum, and Plymale;

Senate Bill 641: Senator Unger;

Senate Bill 659: Senator Unger;

Senate Bill 662: Senator Unger;

Senate Bill 677: Senator Unger;

Senate Bill 681: Senator Phillips;

Senate Bill 688: Senator Woelfel;

Senate Bill 692: Senator Lindsay;

Senate Bill 696: Senator Lindsay;

Senate Bill 697: Senators Unger and Lindsay;

Senate Bill 705: Senator Unger;

Senate Bill 708: Senator Unger;

Senate Joint Resolution 1: Senators Smith and Woodrum;

Senate Joint Resolution 5: Senator Unger;

Senate Joint Resolution 9: Senators Woodrum and Jeffries;

Senate Joint Resolution 10: Senator Woelfel;

Com. Sub. for Senate Joint Resolution 11: Senators Unger, Nelson, and Plymale;

Senate Concurrent Resolution 11: Senator Jeffries;

Senate Concurrent Resolution 14: Senators Unger, Smith, Trump, and Woodrum;

Senate Concurrent Resolution 17: Senators Unger and Jeffries;

Senate Concurrent Resolution 18: Senators Unger and Jeffries;

Senate Concurrent Resolution 19: Senator Unger;

Senate Concurrent Resolution 21: Senator Unger;

Senate Concurrent Resolution 23: Senators Unger and Jeffries;

Senate Concurrent Resolution 24: Senators Unger and Jeffries;

Senate Concurrent Resolution 25: Senators Unger and Jeffries;

Senate Concurrent Resolution 26: Senator Jeffries;

Senate Concurrent Resolution 27: Senators Unger and Jeffries;

Senate Concurrent Resolution 28: Senators Unger and Jeffries;

Senate Concurrent Resolution 29: Senators Unger and Jeffries;

Senate Concurrent Resolution 30: Senator Jeffries;

Senate Concurrent Resolution 31: Senators Unger and Jeffries;

Senate Concurrent Resolution 32: Senators Unger and Jeffries;

Senate Concurrent Resolution 33: Senator Unger;

Senate Concurrent Resolution 35: Senators Unger and Jeffries;

Senate Concurrent Resolution 36: Senators Unger and Jeffries;

Senate Concurrent Resolution 37: Senator Unger;

Senate Concurrent Resolution 38: Senators Unger and Jeffries;

Senate Concurrent Resolution 39: Senators Unger and Jeffries;

Senate Concurrent Resolution 40: Senator Unger;

Senate Concurrent Resolution 42: Senator Unger;

Senate Concurrent Resolution 43: Senator Unger;

Senate Concurrent Resolution 44: Senator Unger;

Senate Concurrent Resolution 45: Senators Unger and Weld;

Senate Concurrent Resolution 46: Senator Unger;

Senate Concurrent Resolution 47: Senators Unger and Jeffries;

Senate Concurrent Resolution 48: Senator Unger;

Senate Concurrent Resolution 49: Senators Unger and Jeffries;

Senate Concurrent Resolution 50: Senator Unger;

Senate Concurrent Resolution 51: Senator Unger;

Senate Resolution 24: Senators Woelfel and Unger;

Senate Resolution 25: Senators Unger and Baldwin;

Senate Resolution 26: Senator Unger;

And,

Senate Resolution 27: Senators Caputo, Lindsay, Hamilton, Rucker, Stollings, and Baldwin.

Pending announcement of meetings of standing committees of the Senate, including majority and minority party caucuses,

On motion of Senator Takubo, at 1:07 p.m., the Senate adjourned until tomorrow, Thursday, March 25, 2021, at 11 a.m.

THURSDAY, MARCH 25, 2021

The Senate met at 11:03 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Bill Hamilton, a senator from the eleventh district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Amy N. Grady, a senator from the fourth district.

Pending the reading of the Journal of Wednesday, March 24, 2021,

At the request of Senator Woelfel, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Clerk presented the following communication from a state agency as required by the provisions of law:

Development Office (Tax Increment Financing) (§7-11B-15)

The Senate proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 517, Relating to sunset provisions of legislative rules.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 3. RULEMAKING.

§29A-3-19. Sunset provision in rules.

(a) Any new legislative rule promulgated pursuant to this article after April 1, 2016, shall include a sunset provision terminating the rule on August 1 of the fifth year following its promulgation; ~~after five years~~. *Provided*, That the rule may be renewed ~~for additional terms of five years or less~~ by the Legislature pursuant to the rule-making procedures and authority in this article: *Provided, however*, That if a different sunset or termination provision exists in the statute under which the proposed rule is promulgated, the enabling statute's provision shall control: *Provided further*, That this subsection shall not apply to rules

promulgated by the Department of Environmental Protection or emergency rules promulgated pursuant to §29A-3-15 of this code.

(b) Any legislative rule existing as of April 1, 2016, that is thereafter ~~modified~~ amended pursuant to this article, shall include a sunset provision terminating the rule on August 1 of the applicable year as part of the ~~modification~~ amendment ~~setting forth a termination date for the rule~~: *Provided*, That the rule may be renewed ~~for additional terms of years~~ by the Legislature pursuant to the rule-making procedures and authority in this article: *Provided, however*, That if a different sunset or termination provision exists in the statute under which the legislative rule is promulgated, the enabling statute's provision controls: *Provided further*, That this subsection shall not apply to legislative rules promulgated by the Department of Environmental Protection or emergency rules promulgated pursuant to §29A-3-15 of this code.

(c) The existence of a sunset provision terminating a legislative rule shall not preclude the repeal of the legislative rule by the Legislature prior to its termination.

(d) As part of its rule review under this article, the Legislative Rule-Making Review Committee may establish a procedure for timely review of a legislative rule prior to its termination for those agencies that have affirmatively sought renewal prior to expiration. The procedure may include a requirement that the agency show cause as to why the terminating legislative rule is required and necessary to be continued for another term of years.

(e) The Secretary of State shall provide notice to the promulgating agency and the Legislative Rule-Making Review Committee at least 18 months prior to every legislative rule's termination date. The promulgating agency has 60 days from receipt of the notice to file the legislative rule with the Secretary of State and the Legislative Rule-Making Review Committee affirmatively seeking renewal of the legislative rule: *Provided*, That, if the legislative rule that is scheduled to sunset ~~may not be~~ is not being amended or changed, except for a new sunset date, ~~and~~ the rule is not subject to the public comment period requirements

contained in §29A-3-5 of this code. The Legislative Rule-Making Review Committee, as part of its rule review under this article, may begin reviewing a legislative rule upon its filing.

(f) Any agency that has promulgated a legislative rule with a sunset date prior to May 1 of the applicable year, may file a technical amendment with the Secretary of State for the purposes of establishing a sunset date of August 1 of the applicable year.

(g) The Secretary of State shall file a notice of sunset in the State Register within 30 days following the expiration of a legislative rule.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 517—A Bill to amend and reenact §29A-3-19 of the Code of West Virginia, 1931, as amended, relating to sunset provisions of legislative rules; requiring new legislative rules to contain an sunset provision terminating the legislative rule on August 1 of the fifth year following promulgation; removing the five-year sunset requirement for new legislative rules after initial five-year sunset provision; requiring all legislative rules to sunset on August 1 of the applicable year; authorizing an agency to file a technical amendment with the Secretary of State to correct sunset dates in accordance with this requirement; and requiring the Secretary of State to file a notice of sunset in the State Register upon the expiration of a legislative rule.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 517, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld,

Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Woelfel—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 517) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Woelfel—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 517) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

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 2028—A Bill to amend and reenact §60A-9-2 of the Code of West Virginia, 1931, as amended, relating to

exempting a veterinarian from the requirements of controlled substance monitoring.

Referred to the Committee on Health and Human Resources.

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 2029—A Bill to amend and reenact §18A-3-1 and §18A-3-2a of the Code of West Virginia, 1931, as amended, related to teacher preparation clinical experience programs; changing name of teacher in residence program to clinical teacher of record program; providing for resident teacher clinical experience programs and leader induction programs under general direction and control of state board; and changing Teacher in Residence Permit to Clinical Teacher of Record Permit.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced that that body had refused to recede from its amendment to the Senate amendments, and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for House Bill 2263, Update the regulation of pharmacy benefit managers.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates J. Pack, D. Jeffries, and Griffith.

On motion of Senator Takubo, the Senate agreed to the appointment of a conference committee on the bill.

Whereupon, Senator Blair (Mr. President) appointed the following conferees on the part of the Senate:

Senators Maroney, Takubo, and Stollings.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2427—A Bill to amend and reenact §64-5-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Health and Human Resources 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 Department of Health and Human Resources to promulgate a legislative rule relating to behavioral health centers licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to hospital licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to nursing home licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to lead abatement licensing; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to client rights at state-operated mental health facilities; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to delegation of medication administration and health maintenance tasks to approved medication assistive personnel; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to diabetes self-management education; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to West Virginia clearance for access, registry, and employment screening; authorizing the Department of Health and Human Resources to

promulgate a legislative rule relating to a recovery residence certification and accreditation program; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child placing agencies licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults and vulnerable and transitioning youth group homes and programs in West Virginia; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the procedure to contest the substantiation of child abuse or neglect; and authorizing the Health Care Authority to promulgate a legislative rule relating to exemption from certificate of need.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 2874—A Bill to amend and reenact §59-1-2 and §59-1-2a of the Code of West Virginia, 1931, as amended, relating to providing waiver of initial business registration fees and certain annual business fees to businesses owned by active-duty military members and the spouses of active-duty military members or veterans.

Referred to the Committee on Military.

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 2982—A Bill to amend and reenact §16-2I-1, §16-2I-2, and §16-2I-3 of the Code of West Virginia, 1931, as amended, all relating to the Second Chance at Life Act; requiring that information about the process of chemical abortion be provided to a woman prior to prescribing

pharmaceuticals for, or administering, a chemical abortion except in certain emergency circumstances; updating definitions; specifying that the woman be informed of the possibility of reversal of a chemical abortion if undertaken within a critical time period; dictating minimum standards for printed materials; and requiring documentation of the procedures required hereby.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 3045—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to deleting the July 1, 2023 sunset provision that would end a rebuttable presumption for a workers' compensation benefits claim that a professional firefighter developed leukemia, lymphoma, or multiple myeloma arising out of and in the course of employment as a firefighter as a rebuttable presumption.

Referred to the Committee on Health and Human Resources.

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 3164—A Bill to amend and reenact §61-2-14a of the Code of West Virginia, 1931, as amended, relating to the offense of kidnapping generally; and clarifying elements of the offense.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 3177—A Bill to repeal §18-2-5d, §18-2-13b, §18-2-24, §18-2-29, and §18-2-35 of the Code of West Virginia, 1931, as amended; to repeal §18-2E-4a of said code; to repeal §18-3-9b of said code; to repeal §18-4-12 of said code; to repeal §18-5-18e, and §18-5-43 of said code; to repeal §18-7A-36 of said code; to repeal §18-9A-8a of said code; to repeal §18-9B-11a of said code; to repeal §18-10H-4 of said code; to amend and reenact §18-9A-6a, §18-9A-7, and §18-9A-16 of said code; and to amend and reenact §18-9B-1, §18-9B-2, §18-9B-3, §18-9B-4, §18-9B-5, §18-9B-6, §18-9B-6a, §18-9B-7, §18-9B-8, §18-9B-9, §18-9B-10, §18-9B-12, §18-9B-13, §18-9B-14, §18-9B-15, §18-9B-17, §18-9B-18, §18-9B-19, §18-9B-20 and §18-9B-21 of said code, all relating to removing expired, outdated, inoperative and antiquated provisions and report requirements in education code; updating references; repealing expired report requirement related to productive and safe schools; repealing authorization of state board respecting use of revenues from dormitories, home or refectories; repealing outdated structure for collaboration on professional development delivery among state universities, regional education service agencies and center for professional development; repealing unused competitive grant program for selected schools and school districts; repealing unused requirement for state board rule on school uniforms for students; repealing outdated exception to mailing school report cards; repealing outdated mandated reduction in budgeted amount for personal services in certain fiscal year; repealing outdated exception for county board meeting related to fixing salaries of county superintendent; repealing expired study and report on pupils per teacher; repealing expired report requirement relating to county-wide council on productive and safe schools; repealing expired report requirement relating to joint study of retirement systems; removing reference to repealed allocation to teachers retirement fund; removing expired provisions related to additional funding bus system using bio-diesel alternative fuel; repealing expired allowance for regional education service agencies; replacing reference to state board of school finance with state superintendent; removing expired provision prohibiting salary reduction of certain persons due to passage of school finance article; correcting references to tax commissioner for functions previously transferred to state auditor; deleting

outdated references to employment term and instructional term; and removing outdated provisions creating state board of school finance and requiring state superintendent to exercise powers and perform duties; repealing outdated authorization for adjustments to average daily attendance; and repealing mandate for establishment of certain interdisciplinary doctoral program.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3215—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-4-1a, relating to the requirements of a prosecuting attorney.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 401, Relating to WV Consumer Credit and Protection Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 401 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §46A-5-104 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46A-5-108 of said code, all relating to the Consumer Credit and Protection Act; excluding time, savings, and demand accounts offered by a bank from general consumer protection claims; and providing for an effective date.

Senate Bill 634, Requiring training of certain officers for persons with autism spectrum disorder.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 634 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-29-5a, relating to criminal justice training for law-enforcement officers and correction officers regarding individuals with autism spectrum disorders; development of course instruction; defining terms; providing for training in appropriate interactions with individuals with autism spectrum disorder; and authorizing the Law-Enforcement Professional Standards Subcommittee to develop guidelines for law-enforcement and correction officer response to individuals on the autism spectrum who are victims or witnesses to a crime, or suspected or convicted of a crime.

And,

Senate Bill 660, Providing for cooperation between law-enforcement agencies and military authorities.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 660 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-10-7, relating generally to providing for cooperation between civilian law-enforcement agencies and military authorities to facilitate objective independent investigations of possible offenses.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 492, Establishing program for bonding to reclaim abandoned wind and solar generation facilities.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 492 (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-32-1, §22-32-2, §22-32-3, §22-32-4, §22-32-5, §22-32-6, and §22-32-7, all relating generally to establishing and implementing a program to decommission and reclaim wind and solar electrical generation facilities upon closure; making legislative findings; stating legislative purpose; providing a short title; defining terms; requiring the owners of wind generation facilities and solar generation facilities to notify and provide certain information to the Department of Environmental Protection (DEP), including dates when operations began and plans with cost estimates for decommissioning facilities; establishing fees for new and modified applications; requiring DEP to determine and assess a reclamation bond based on a facility's total disturbed acreage; establishing a minimum bond value; requiring the owners of said facilities to submit bonds payable to the state in a form and in a sum determined by the DEP, conditioned on the satisfactory decommissioning; providing that owners of said facilities may enter into alternative reclamation agreements after approval by the DEP; providing that the DEP may modify said plans after proper notification and appeals; providing exemptions from bond requirements for facilities with nameplate capacities of less than 0.5 megawatts and facilities operated by regulated public utilities who can successfully demonstrate to the Public Service Commission and DEP financial integrity and long-term stability; providing for administrative penalties for failure to submit

decommissioning bonds; providing appellate rights to the Environmental Quality Board; providing transfer of ownership provisions; providing for amended plans for allowing reductions in bond amounts; providing that bond submission does not absolve owners from complying with other applicable regulations and requirements; establishing a Wind and Solar Decommissioning Account within the Office of the West Virginia Treasurer in to which assessed penalties and accrued interest must be paid and held; providing that the account may only be used by the DEP to implement this article and adopted rules; providing that DEP shall administer this act using existing resources and the account; requiring the DEP to maintain and hold bonds or other surety received; providing for the release of bonds after the DEP is satisfied property has been properly decommissioned in accordance with the plan; providing for bond forfeiture when a facility is not properly decommissioned, if the deficiencies are not rectified; providing that the Office of Environmental Remediation or a private entity by contract may decommission facilities; providing that DEP may file suit to enforce permit and plan conditions and to recoup costs of reclamation; authorizing rulemaking; and providing effective dates.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Randy E. Smith,
Chair.

The bill (Com. Sub. for S. B. 492), under the original double committee reference, was then referred to the Committee on Finance.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 603, Authorizing new market entrants to conduct remote sports wagering and remote interactive wagering.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 603 (originating in the Committee on Finance)—A Bill to amend and reenact §29-22D-1, §29-22D-2, §29-22D-3, and §29-22D-7 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §29-22D-15a; to amend and reenact §29-22E-1, §29-22E-2, §29-22E-3, and §29-22E-7 of said code; and to amend said code by adding thereto a new section, designated §29-22E-15a, all relating to permitting wagering on the results of certain professional or collegiate sports or athletic events and other events authorized as West Virginia Lottery sports wagering activities; permitting wagering on interactive games authorized as West Virginia Lottery interactive wagering activities; providing legislative findings; defining terms; establishing license requirements and prohibitions; and encouraging operators to contract with small business management service providers.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
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 663, Providing fee for processing of criminal bonds.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 663 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §50-3-2 of the Code of West Virginia, 1931, as amended, relating to providing for a fee for the processing of criminal bonds and the bail piece; and requiring all collected fees to be deposited in the Courthouse Facilities Improvement Fund.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The bill (Com. Sub. for S. B. 663), under the original double committee reference, was then referred to the Committee on Finance.

Senator Woodrum, from the Committee on Interstate Cooperation, submitted the following report, which was received:

Your Committee on Interstate Cooperation has had under consideration

Senate Bill 668, Creating Psychology Interjurisdictional Compact.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 668 (originating in the Committee on Interstate Cooperation)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-21A-1, §30-21A-2, §30-21A-3, §30-21A-4, §30-21A-5, §30-21A-6, §30-21A-7, §30-21A-8, §30-21A-9, §30-21A-10, §30-21A-11, §30-21A-12, and §30-21A-13, all relating to the Psychology Interjurisdictional Compact; providing for definitions; providing for increased public access to professional psychological

services by permitted psychologists to practice across state lines; providing for temporary psychological services; providing for the state's ability to protect the health and welfare of its citizens; providing for the cooperation and exchange of information in compact states; providing for cooperation of compact states in licensure and regulation; providing for adverse actions; providing for enforcement mechanisms for compliance with the compact; providing for coordinated efforts between compact states of holding psychologists accountable to the compact; providing for effective dates of rules upon induction to the compact; providing for duties and authority of the commission; providing for election procedures for commission members; providing for alternative dispute resolution methods; providing for venue for legal action taken against the commission; providing for withdrawal from the compact; and providing for construction and severability of the terms of the compact.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Health and Human Resources.

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Maroney, as chair of the Committee on Health and Human Resources, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Interstate Cooperation.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 712 (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §22-6-2 and

§22-6-29 of the Code of West Virginia, 1931, as amended, relating to the Office of Oil and Gas of the Department of Environmental Protection; establishing annual oversight fee for wells producing more than 10,000 cubic feet of gas per day; and providing that those fees, if not used for other purposes, may be moved to the Oil and Gas Reclamation Fund.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Randy E. Smith,
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 713 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15A-4-17 of the Code of West Virginia, 1931, as amended, relating generally to inmate good time; updating references to personnel; clarifying that inmates in the custody of the Commissioner of the Division of Corrections and Rehabilitation receive basic good time unless expressly excluded; creating certain exclusions; clarifying that inmates who received good time on or before October 21, 2020, are entitled to the good time, unless it is lost due to a disciplinary violation; establishing basis for earning extra good time in the discretion of the commissioner; and granting civil immunity to the Division of Corrections and Rehabilitation, its commissioner, employees, agents, and assigns for any and all claims relating to calculation of good time for certain offenders occurring before October 21, 2020.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2290, Initiating a State Employment First Policy to facilitate integrated employment of disabled persons.

With amendments from the Committee on the Workforce pending;

And has also amended same.

And reports the same back with the recommendation that it do pass as last amended by the Committee on Finance.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. House Bill 2897, Expiring funds to the balance of the Department of Commerce.

Eng. House Bill 2899, Making a supplementary appropriation to the Department of Commerce.

And,

Eng. House Bill 2920, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

The Senate proceeded to the sixth order of business.

Senators Baldwin, Woodrum, Blair (Mr. President), Azinger, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Woelfel offered the following resolution:

Senate Resolution 30—Memorializing the life of the Honorable Mr. Shirley Dean Love, husband, father, broadcast pioneer, businessman, statesman, former member of the West Virginia Senate, former member of the West Virginia House of Delegates, and dedicated public servant.

Whereas, The Honorable Shirley Dean Love was born on May 15, 1933, the son of Earl Clinton and Winona May Hall Love; and

Whereas, The Honorable Shirley Dean Love was a lifelong resident of Fayette County and a faithful member of Oak Hill United Methodist Church, where he displayed his talented voice in the choir beginning at eight years of age; and

Whereas, The Honorable Shirley Dean Love was educated in the public schools of Fayette County, and graduated from Collins High School in 1952; and

Whereas, The Honorable Shirley Dean Love's broadcasting career at WOAY spanned from 1954 to 1997, and landed him in the West Virginia Broadcasters Hall of Fame. His pleasant, charming, and engaging demeanor and unique voice was instantly recognizable throughout southern West Virginia and beyond; and

Whereas, The Honorable Shirley Dean Love began his broadcasting career in radio, where he hosted Juke Box Review for more than 20 years, West Virginia Bandstand, Friday Night Barn Dance, the West Virginia Jamboree, and was the voice of Oak Hill High School football and basketball games for nearly four decades; and

Whereas, The Honorable Shirley Dean Love rose to fame while anchoring Saturday Night Wrestling on WOAY-TV, or as he liked to say, "rasslin", which would eventually pave the way to a career in politics; and

Whereas, The Honorable Shirley Dean Love was appointed to the West Virginia Senate on August 8, 1994, and was elected on November 5, 1994, and reelected in 1996, 2000, and 2004, serving on the Committees on Confirmations (Chair), Agriculture, Enrolled Bills, Finance, Labor, Natural Resources, and Transportation and Infrastructure. He was elected eight times as a Delegate to the Democratic National Convention; and

Whereas, The Honorable Shirley Dean Love was elected to the West Virginia House of Delegates in 2016, where he served one term; and

Whereas, The Honorable Shirley Dean Love was a beloved little league coach in the community, where he taught his youthful players as much about life and leadership as he did about baseball; and

Whereas, Sadly, the Honorable Shirley Dean Love passed away on July 17, 2020, bringing an end to a colorful life of public service and leaving behind a host of family and friends, all of whom will miss him dearly, including his beloved wife of 68 years,

Audrey Love; two sons, James “Jimmy” Love, IV, and Dr. Brian Stephen Love (deceased); a daughter, Christie Love and spouse, Judy Fitzgerald; grandchildren, James Love, V, and companion Mary Nell, and also Sarah Love, the mother of James’ children, Matthew Love (Allison), Robert Love (Amanda), Benjamin Love (Tiffany), Mary Beth Knight (Pete), and Michael Love and companion Lauren Satyshur; and 11 great grandchildren; and

Whereas, It is fitting that we pay tribute to the life and legacy of the Honorable Shirley Dean Love, a man whose contributions to the state of West Virginia will be felt by many generations to come, and whose spirit will resound throughout the hills of West Virginia forever; therefore, be it

Resolved by the Senate:

That the Senate hereby memorializes the life of the Honorable Mr. Shirley Dean Love, husband, father, broadcast pioneer, businessman, statesman, former member of the West Virginia Senate, former member of the West Virginia House of Delegates, and dedicated public servant; and, be it

Further Resolved, That the Senate extends its sincere condolences to the family of the Honorable Shirley Dean Love on his passing; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the family of the Honorable Shirley Dean Love.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Com. Sub. for Senate Concurrent Resolution 14, Creating WV Women’s Suffrage Memorial.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senate Concurrent Resolution 23, USMC CPL Guy Maywood Edwards Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senate Concurrent Resolution 52, Providing for issuance of refunding bonds not to exceed \$22 million.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Finance.

Senate Concurrent Resolution 53, Encouraging certain facilities improve palliative care programs.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senate Concurrent Resolution 54, Urging Congress and President to protect Second Amendment of US Constitution.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senate Resolution 28, Recognizing importance of coal-fired power plants and coal resources to WV's future.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Phillips, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

Senator Caputo requested unanimous consent that the name of Senator Caputo be added as a co-sponsor of Senate Resolution 28.

At the further request of Senator Caputo, and by unanimous consent, his foregoing request was withdrawn.

The question being on the adoption of the resolution, and on this question, Senator Phillips demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Woelfel—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 28) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Phillips, Smith, Romano, Stover, Stollings, Swope, and Caputo regarding the adoption of Senate Resolution 28 were ordered printed in the Appendix to the Journal.

Senate Resolution 29, Recognizing 20th anniversary of WV Rural Health Infrastructure Loan Fund.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Stollings, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 361, Extending supervision for conviction of soliciting minor and using obscene matter with intent to seduce minor.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Woelfel—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 361) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 483, Allowing oaths be taken before any person authorized to administer oaths.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Woelfel—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 483) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 487, Updating Division of Purchasing procurement and spending thresholds.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson,

Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Woelfel—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 487) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 509, Removing requirement that determination of medical stability be found prior to admission to mental health facility.

On third reading, coming up in regular order, with the right having been granted on yesterday, Wednesday, March 24, 2021, for further amendments to be received on third reading, was reported by the Clerk.

On motion of Senator Trump, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page four, section three-a, line four, by striking out the words “federal or”;

And,

On page four, section three-a, line five, after the word “possession.” by adding the following: Furthermore, while it is clear that it is the government of the United States, and not the government of West Virginia, which has the authority under 18 U. S. C. 922 (g) (4) to determine whether a person has been “committed to a mental institution,” the legislature notes that “federal courts often look to state law to help determine whether a

commitment has occurred.” United States v. Vertz, 40 F. App’x 69 (6th Cir. 2002). Under such principles of interpretation, it is the intent of the legislature to make clear that in circumstances under which there is an order finding that a person’s involuntarily hospitalization was necessitated and ordered as a result of a physical condition or disorder, the legislature does not deem this to be a “commitment,” under state law, and the legislature’s determination that such an involuntary hospitalization is not a “commitment” should be viewed by the government of the United States as consistent with the provisions of the amendments to the NICS Improvement Amendments Act of 2007, Public Law 110-180, Tit. I, Sec. 101(c)(1), 121 Stat. 2559, 2562-63 (2008).

There being no further amendments offered,

The bill, as amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 509 was then read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 509 pass?”

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Maroney, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—23.

The nays were: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Martin, Romano, Stollings, and Unger—10.

Absent: Woelfel—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 509) passed.

On motion of Senator Maroney, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 509—A Bill to amend and reenact §27-5-3 and §27-5-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §27-5-3a, all relating to involuntary hospitalization; providing the Supreme Court of Appeals is requested to provided training to specified persons on medical conditions mimicking, causing, or contributing to a psychiatric presentation; providing that magistrate or mental hygiene commissioner may determine individual be evaluated for medical condition; removing a requirement that a determination of medical stability be found prior to admission to a mental health facility; providing that a physical may be provided to the individual upon admission to the mental health facility; providing that if after entry of order of involuntary hospitalization is entered the cause is determined to be medical rather than physical this shall not serve to make the person banned from possessing a firearm; and requiring specified persons to transport to a diversion facility as designated by the chief medical officer of the state hospital.

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 610, Providing tuition and fee waivers at state higher education institutions for volunteers who have completed service in AmeriCorps programs in WV.

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 610 pass?”

On the passage of the bill, the yeas were: Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips,

Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: Azinger—1.

Absent: Woelfel—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 610) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill 644, Exempting certain persons pursuing degree in speech pathology and audiology from license requirements.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Woelfel—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 644) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill 651, Allowing county boards of education to publish financial statements on website.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Senate Bill 651 pass?”

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Clements, Grady, Hamilton, Karnes, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—21.

The nays were: Baldwin, Caputo, Ihlenfeld, Jeffries, Lindsay, Maroney, Plymale, Romano, Stollings, Stover, Sypolt, and Unger—12.

Absent: Woelfel—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 651) passed.

On motion of Senator Rucker, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Senate Bill 651—A Bill to amend and reenact §18-9-3a of the Code of West Virginia, 1931, as amended, relating to giving county boards of education the option of publishing their financial statements on their websites rather than publishing as a Class I-0 legal advertisement; requiring county boards to hold a public hearing before publishing on their websites; requiring county boards to provide public notice of the availability of such website posting; requiring county boards to include certain information if they publish their financial statements on their websites; and providing that the changes made by amendments to this section become effective for the fiscal year commencing on July 1, 2023.

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 658, Requiring sheriff's departments to participate and utilize Handle With Care Program for trauma-inflicted children.

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 658 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 658) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2400, Authorizing the Department of Transportation to promulgate legislative rules.

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, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2400) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2400—A Bill to amend and reenact §64-8-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Transportation to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Division of Highways to promulgate a legislative rule relating to traffic and safety rules; relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to examination and issuance of driver's license; relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to denial, suspension, revocation, disqualification, restriction, non-renewal, cancellation, administrative appeals and reinstatement of driving privileges; relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to compulsory motor vehicle liability insurance, and relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to special purpose vehicles.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2400) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 474, Exempting DOH from Purchasing Division procedures.

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 587, Making contract consummation with state more efficient.

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 601, Relating generally to public employees grievance procedure.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 673, Relating to venue for bringing civil action or arbitration proceedings under construction contracts.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill 2094, Relating to the juvenile restorative justice programs.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 49. CHILD WELFARE.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§49-1-206. Definitions related, but not limited to, child advocacy, care, residential, and treatment programs.

When used in this chapter, the following terms have the following meanings, unless the context clearly indicates otherwise:

“Child Advocacy Center (CAC)” means a community-based organization that is a member, in good standing, of the West Virginia Child Advocacy Network, Inc., as set forth in §49-3-101 of this code.

“Child care” means responsibilities assumed and services performed in relation to a child’s physical, emotional, psychological, social, and personal needs and the consideration of

the child's rights and entitlements, but does not include secure detention or incarceration under the jurisdiction of the Division of Corrections and Rehabilitation pursuant to §49-2-901 *et seq.* of this code. It includes the provision of child care services or residential services.

“Child care center” means a facility maintained by the state or any county or municipality thereof, or any agency or facility maintained by an individual, firm, corporation, association, or organization, public or private, for the care of 13 or more children for child care services in any setting, if the facility is open for more than 30 days per year per child.

“Child care services” means direct care and protection of children during a portion of a 24-hour day outside of the child's own home which provides experiences to children that foster their healthy development and education.

“Child placing agency” means a child welfare agency organized for the purpose of placing children in private family homes for foster care or for adoption. The function of a child placing agency may include the investigation and certification of foster family homes and foster family group homes as provided in this chapter. The function of a child placing agency may also include the supervision of children who are 16 or 17 years of age and living in unlicensed residences.

“Child welfare agency” means any agency or facility maintained by the state or any county or municipality thereof, or any agency or facility maintained by an individual, firm, corporation, association, or organization, public or private, to receive children for care and maintenance or for placement in residential care facilities, including, without limitation, private homes or any facility that provides care for unmarried mothers and their children. A child welfare agency does not include juvenile detention facilities or juvenile correctional facilities operated by or under contract with the Division of Corrections and Rehabilitation, pursuant to §49-2-901 *et seq.* of this code, nor any other facility

operated by that division for the secure housing or holding of juveniles committed to its custody.

“Community based” means a facility, program, or service located near the child’s home or family and involving community participation in planning, operation, and evaluation and which may include, but is not limited to, medical, educational, vocational, social, and psychological guidance, training, special education, counseling, substance abuse, and any other treatment or rehabilitation services.

“Community-based juvenile probation sanctions” means any of a continuum of nonresidential accountability measures, programs, and sanctions in response to a technical violation of probation, as part of a system of community-based juvenile probation sanctions and incentives, that may include, but are not limited to:

- (A) Electronic monitoring;
- (B) Drug and alcohol screening, testing, or monitoring;
- (C) Youth reporting centers;
- (D) Reporting and supervision requirements;
- (E) Community service; and

(F) Rehabilitative interventions such as family counseling, substance abuse treatment, restorative justice programs, and behavioral or mental health treatment.

“Community services” means nonresidential prevention or intervention services or programs that are intended to reduce delinquency and future court involvement.

“Evidence-based practices” means policies, procedures, programs, and practices demonstrated by research to reliably produce reductions in the likelihood of reoffending.

“Facility” means a place or residence, including personnel, structures, grounds, and equipment used for the care of a child or children on a residential or other basis for any number of hours a day in any shelter or structure maintained for that purpose. Facility does not include any juvenile detention facility or juvenile correctional facility operated by or under contract with the Division of Corrections and Rehabilitation for the secure housing or holding of juveniles committed to its custody.

“Family child care facility” means any facility which is used to provide nonresidential child care services for compensation for seven to 12 children, including children who are living in the household, who are under six years of age. A facility may be in a provider’s residence or a separate building.

“Family child care home” means a facility which is used to provide nonresidential child care services for compensation in a provider’s residence. The provider may care for four to six children at one time, including children who are living in the household, who are under six years of age.

“Family resource network” means:

(A) A local community organization charged with service coordination, needs and resource assessment, planning, community mobilization, and evaluation, and which has met the following criteria:

- (i) Has agreed to a single governing entity;
- (ii) Has agreed to engage in activities to improve service systems for children and families within the community;
- (iii) Addresses a geographic area of a county or two or more contiguous counties;
- (iv) Has, as the majority of the members of the governing body, nonproviders, which includes family representatives and other members who are not employees of publicly funded agencies, with

family representatives as the majority of those members who are nonproviders;

(v) Has members of the governing body who are representatives of local service agencies, including, but not limited to, the public health department, the behavioral health center, the local health and human resources agency, and the county school district; and

(vi) Adheres to principles consistent with the cabinet's mission as part of its philosophy.

(B) A family resource network may not provide direct services, which means to provide programs or services directly to children and families.

“Family support”, for the purposes of §49-2-601 *et seq.* of this code, means goods and services needed by families to care for their family members with developmental disabilities and to enjoy a quality of life comparable to other community members.

“Family support program” means a coordinated system of family support services administered by the Department of Health and Human Resources through contracts with behavioral health agencies throughout the state.

“Fictive kin” means an adult of at least 21 years of age, who is not a relative of the child, as defined herein, but who has an established, substantial relationship with the child, including but not limited to, teachers, coaches, ministers, and parents, or family members of the child's friends.

“Foster family home” means a private residence which is used for the care on a residential basis of no more than six children who are unrelated, by blood, marriage, or adoption, to any adult member of the household.

“Foster parent” means a person with whom the department has placed a child and who has been certified by the department, a child

placing agency, or another agent of the department to provide foster care.

“Health care and treatment” means:

(A) Developmental screening;

(B) Mental health screening;

(C) Mental health treatment;

(D) Ordinary and necessary medical and dental examination and treatment;

(E) Preventive care including ordinary immunizations, tuberculin testing, and well-child care; and

(F) Nonemergency diagnosis and treatment. However, nonemergency diagnosis and treatment does not include an abortion.

“Home-based family preservation services” means services dispensed by the Department of Health and Human Resources or by another person, association, or group who has contracted with that division to dispense services when those services are intended to stabilize and maintain the natural or surrogate family in order to prevent the placement of children in substitute care. There are two types of home-based family preservation services and they are as follows:

(A) Intensive, short-term intervention of four to six weeks; and

(B) Home-based, longer-term after care following intensive intervention.

“Informal family child care” means a home that is used to provide nonresidential child care services for compensation for three or fewer children, including children who are living in the household who are under six years of age. Care is given in the

provider's own home to at least one child who is not related to the caregiver.

“Kinship parent” means a person with whom the department has placed a child to provide a kinship placement.

“Kinship placement” means the placement of the child with a relative of the child, as defined herein, or a placement of a child with a fictive kin, as defined herein.

“Needs Assessment” means an evidence-informed assessment which identifies the needs a child or family has, which, if left unaddressed, will likely increase the chance of reoccurring.

“Nonsecure facility” means any public or private residential facility not characterized by construction fixtures designed to physically restrict the movements and activities of individuals held in lawful custody in that facility and which provides its residents access to the surrounding community with supervision.

“Nonviolent misdemeanor offense” means a misdemeanor offense that does not include any of the following:

(A) An act resulting in bodily injury or death;

(B) The use of firearm or other deadly weapon in the commission of the offense;

(C) A domestic abuse offense involving a significant or likely risk of harm to a family member or household member;

(D) A criminal sexual conduct offense; or

(E) Any offense for driving under the influence of alcohol or drugs.

“Out-of-home placement” means a post-adjudication placement in a foster family home, kinship parent home, group home, nonsecure facility, emergency shelter, hospital, psychiatric residential treatment facility, staff secure facility, hardware secure

facility, detention facility, or other residential placement other than placement in the home of a parent, custodian, or guardian.

“Out-of-school time” means a child care service which offers activities to children before and after school, on school holidays, when school is closed due to emergencies, and on school calendar days set aside for teacher activities.

“Placement” means any temporary or permanent placement of a child who is in the custody of the state in any foster home, kinship parent home, group home, or other facility or residence.

“Pre-adjudicatory community supervision” means supervision provided to a youth prior to adjudication, for a period of supervision up to one year for an alleged status or delinquency offense.

“Regional family support council” means the council established by the regional family support agency to carry out the responsibilities specified in §49-2-601 *et seq.* of this code.

“Relative family child care” means a home that provides nonresidential child care services only to children related to the caregiver. The caregiver is a grandparent, great-grandparent, aunt, uncle, great-aunt, great-uncle, or adult sibling of the child or children receiving care. Care is given in the provider’s home.

“Relative of the child” means an adult of at least 21 years of age who is related to the child, by blood or marriage, within at least three degrees.

“Residential services” means child care which includes the provision of nighttime shelter and the personal discipline and supervision of a child by guardians, custodians, or other persons or entities on a continuing or temporary basis. It may include care or treatment, or both, for transitioning adults. Residential services does not include or apply to any juvenile detention facility or juvenile correctional facility operated by the Division of Corrections and Rehabilitation, created pursuant to this chapter, for the secure housing or holding of juveniles committed to its custody.

“Restorative justice program” means a voluntary, community based program which utilizes evidence-based practices that provide an opportunity for a juvenile to accept responsibility for and participate in setting consequences to repair harm caused by the juvenile against the victim and the community by means of facilitated communication including, but not limited to, mediation, dialogues, or family group conferencing, attended voluntarily by the victim, the juvenile, a facilitator, a victim advocate, community members, or supporters of the victim or the juvenile.

“Risk and needs assessment” means a validated, standardized actuarial tool which identifies specific risk factors that increase the likelihood of reoffending and the factors that, when properly addressed, can reduce the likelihood of reoffending.

“Scattered-site living arrangement” means a living arrangement where youth, 17 to 26 years of age, live in a setting that allows staff to be available as needed, depending on the youth’s level of autonomy. Sites for such living arrangements shall be in community environments to allow the youth full access to services and resources in order to fully develop independent living skills.

“Secure facility” means any public or private residential facility which includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility.

“Staff secure facility” means any public or private residential facility characterized by staff restrictions of the movements and activities of individuals held in lawful custody in such facility, and which limits its residents’ access to the surrounding community, but is not characterized by construction fixtures designed to physically restrict the movements and activities of residents.

“Standardized screener” means a brief, validated nondiagnostic inventory or questionnaire designed to identify juveniles in need of further assessment for medical, substance abuse, emotional, psychological, behavioral, or educational issues, or other conditions.

“State family support council” means the council established by the Department of Health and Human Resources pursuant to §49-2-601 *et seq.* of this code to carry out the responsibilities specified in §49-2-101 *et seq.* of this code.

“Supervised group setting” means a setting where youth, 16 to 21 years of age, live with staff onsite or are available 24 hours per day and seven days per week. In this setting, staff provide face to face daily contact with youth.

“Time-limited reunification services” means individual, group, and family counseling, inpatient, residential, or outpatient substance abuse treatment services, mental health services, assistance to address domestic violence, services designed to provide temporary child care, and therapeutic services for families, including crisis nurseries and transportation to or from those services, provided during 15 of the most recent 22 months a child or juvenile has been in foster or in a kinship placement, as determined by the earlier date of the first judicial finding that the child is subjected to abuse or neglect, or the date which is 60 days after the child or juvenile is removed from home.

“Technical violation” means an act that violates the terms or conditions of probation or a court order that does not constitute a new delinquent offense.

“Truancy diversion specialist” means a school-based probation officer or truancy social worker within a school or schools who, among other responsibilities, identifies truants and the causes of the truant behavior, and assists in developing a plan to reduce the truant behavior prior to court involvement.

ARTICLE 4. COURT ACTIONS.

§49-4-725. Restorative justice programs.

(a) The court or prosecuting attorney may ~~divert~~ offer a juvenile, ~~referred to the court for a status offense or for a nonviolent misdemeanor offense, to~~ against whom a petition has been filed alleging that the juvenile has committed any of the offenses set forth in subsection (b) of this section, the opportunity to participate

in a voluntary restorative justice program, where available, at any time prior to adjudication disposition of the case.

(b) A juvenile is eligible to participate in a restorative justice program if the offense that the juvenile is alleged to have committed is:

(1) A status offense;

(2) An offense that would constitute a nonviolent offense if committed by an adult;

(3) An offense that would constitute misdemeanor assault pursuant to §61-2-9(b) of this code if committed by an adult; or

(4) An offense that would constitute misdemeanor battery pursuant to §61-2-9(c) of this code if committed by an adult.

(c) The juvenile or the victim or both may decline and shall not be required to participate in a restorative justice program: *Provided*, That any declination by the juvenile or the victim or both shall not preclude future participation in a restorative justice program during the current proceeding or any subsequent proceeding under this article.

(d) A restorative justice program shall:

(1) Emphasize repairing the harm against the victim and the community caused by the juvenile;

(2) Include victim-offender dialogues or family group conferencing, attended voluntarily by the victim, the juvenile offender, a facilitator, a victim advocate, community members, or supporters of the victim or the juvenile offender that provide an opportunity for the offender to accept responsibility for the harm caused to those affected by the crime and to participate in setting consequences to repair the harm; and

(3) Implement sanctions for the juvenile implement measures agreed to by the victim and the juvenile which are designed to

provide redress to the victim and community, including, but not limited to, restitution to the victim, restitution to the community, services for the victim ~~or~~ services for the community, or any other ~~sanction~~ reasonable measure intended to provide restitution or services to the victim or the community.

(~~e~~) (e) If a juvenile is referred to, and successfully completes, a restorative justice program, including all agreed-to measures pursuant to subsection (d) of this section, the petition against the juvenile shall be dismissed.

(~~d~~) (f) No self-incriminating information obtained from the juvenile as the result of a restorative justice program is admissible as evidence against him or her in a subsequent proceeding under this article.

The bill (Eng. Com. Sub. for H. B. 2094), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2382, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 2896, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 2898, Making a supplementary appropriation to WorkForce West Virginia – Workforce Investment Act.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the total appropriation for the fiscal year ending June 30, 2021, to fund 8749, fiscal year 2021, organization 0323, be supplemented and amended by increasing an existing item of appropriation as follows:

TITLE II – APPROPRIATIONS.

Sec. 7. Appropriations from federal block grants.

376 – WorkForce West Virginia–

Workforce Investment Act

Fund 8749 FY 2021 Org 0323

	Appropriation	Federal Funds
3 Current Expenses	13000	\$ 6,800,000

The bill (Eng. H. B. 2898), as amended, was then ordered to third reading.

Eng. House Bill 2901, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 2903, Making a supplementary appropriation to the Department of Homeland Security, West Virginia State Police.