

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2021
THIRTIETH DAY

Charleston, West Virginia, 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 aforesaid 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 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, appearing to read "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 §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 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.

SENATE CALENDAR

**Friday, March 12, 2021
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 23 - USMC CPL Guy Maywood Edwards Memorial Bridge
- S. C. R. 24 - US Navy S1 Paul McCue Bridge
- S. R. 19 - Reaffirming sister-state partnership between WV and Taiwan

THIRD READING

- Eng. S. B. 437 - Extending contingent increase of tax rate on certain eligible acute care hospitals
- Eng. Com. Sub. for S. B. 493 - Issuing license suspensions to insurance producers and adjusters who fail to meet CE requirements
- Eng. S. B. 494 - Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund
- Eng. S. B. 496 - Relating to punishment for second or third degree felony
- Eng. Com. Sub. for S. B. 514 - Providing criteria for Natural Resource Commission appointment and compensation (original similar to HB2867)

SECOND READING

- Com. Sub. for S. B. 303 - Creating Local Government Labor and Consumer Marketing Regulatory Limitation Act (original similar to HB2907)
- Com. Sub. for S. B. 346 - Authorizing DMV use electronic means when providing notice for licensees and vehicle owners
- Com. Sub. for S. B. 472 - Updating criteria for regulating certain occupations and professions (original similar to HB2909)
- S. B. 523 - Correcting improper code references
- S. B. 529 - Correcting improper citation relating to DMV registration
- S. B. 621 - Relating to non-compete covenants between certain health care practitioners
- Eng. Com. Sub. for H. B. 2006 - Relating to the West Virginia Contractor Licensing Act - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 2011 - Eliminating any time requirements for part time personnel to work during a working year - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 2263 - Update the regulation of pharmacy benefit managers - (Com. amend. pending)

FIRST READING

Com. Sub. for Com. Sub. for S. B. 318 - Relating generally to public notice of unclaimed property held by State Treasurer

Com. Sub. for S. B. 500 - Prohibiting intimidation and retaliation against public officers and employees, jurors, and witnesses

Com. Sub. for S. B. 518 - Relating to grounds for administrative dissolution of certain companies, corporations, and partnerships

Eng. 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. amend. pending)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2021

Friday, March 12, 2021

9 a.m.

Judiciary

(Room 208W)