

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2021
THIRTY-FIFTH DAY

Charleston, West Virginia, 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) "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.

SENATE CALENDAR

**Wednesday, March 17, 2021
11:00 AM**

UNFINISHED BUSINESS

S. C. R. 27 - Walker Brothers Veterans Memorial Bridge

S. R. 20 - Recognizing Disability Advocacy Day

THIRD READING

Eng. Com. Sub. for S. B. 297 - Relating generally to modernizing Board of Treasury Investments

Eng. Com. Sub. for S. B. 303 - Creating Local Government Labor and Consumer Marketing Regulatory Limitation Act (original similar to HB2907)

Eng. S. B. 391 - Relating to study of child protective services and foster care workforce

Eng. Com. Sub. for S. B. 431 - Relating to school attendance notification requirements to DMV

Eng. Com. Sub. for S. B. 502 - Providing lifetime hunting, fishing, and trapping license to residents, adopted, and foster children under 15

Eng. Com. Sub. for H. B. 2008 - Amending requirements for licensure relating to elevator mechanics, crane operators, HVAC, electricians, and plumbers - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 2013 - Relating to the Hope Scholarship Program

Eng. 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

SECOND READING

Com. Sub. for S. B. 562 - Relating to juvenile competency proceedings

Com. Sub. for S. B. 566 - Relating to interpretations of school laws

Eng. Com. Sub. for H. B. 2372 - Allow pre-candidacy papers to be filed the day after the general election - (Com. amend. pending)

Eng. 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 (original similar to SB493)

FIRST READING

Com. Sub. for S. B. 422 - Establishing common law "veil piercing" claims not be used to impose personal liability

S. B. 531 - Relating to incomplete, duplicative, or redundant claims for refund

S. B. 532 - Limiting claims for state tax credits and rebates

Com. Sub. for S. B. 626 - Updating regulation for purchase of automobile catalytic converters

Eng. 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

Eng. 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

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2021

Wednesday, March 17, 2021

9 a.m.	Military	(Room 208W)
1 p.m.	Economic Development	(Room 451M)
2 p.m.	Pensions	(Room 451M)