

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2021
EIGHTH DAY

Charleston, West Virginia, Wednesday, February 17, 2021

The Senate met at 11 a.m.

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

Prayer was offered by the Honorable Bill Hamilton, a senator from the eleventh district.

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

Pending the reading of the Journal of Tuesday, February 16, 2021,

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

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2001—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §11-21-12m and §11-21-25; to amend said code by adding thereto a new section, designated §11-24-10a; to amend said code by adding thereto a new article, designated §18-30A-1, §18-30A-2, §18-30A-3, §18-30A-4, §18-30A-5, §18-30A-6, §18-30A-7, §18-30A-8, §18-30A-9, §18-30A-10, §18-30A-11, §18-30A-12, §18-30A-13, §18-30A-14, §18-30A-15, and §18-30A-16, all relating generally to creating the West Virginia Jumpstart Savings Program; providing a short title; providing legislative findings; defining terms; requiring the program to be operable by a certain date; creating the West Virginia Jumpstart Savings Board; establishing requirements for board membership, appointment, and procedures; establishing the powers of the board; authorizing the board to promulgate legislative rules; establishing the duties and powers of the Treasurer related to the program; establishing the Jumpstart Savings Trust and Trust Fund and requirements for said fund; establishing the Jumpstart Savings Expense Fund and establishing requirements for said fund; authorizing the board to use financial organizations as program depositories and managers and providing

requirements therefor; establishing requirements for opening a Jumpstart Savings account and making deposits to an account; providing requirements for distributions from an account; providing when distributions from an account are treated as income for taxation purposes; specifying expenditures of account distributions that are qualified expenses; allowing a personal income tax decreasing modification for certain contributions to an account; allowing a personal income tax decreasing modification for distributions from an account used for qualified expenses; allowing a tax credit against personal income tax or corporate net income tax for certain matching contributions to accounts of employees; allowing a personal income tax decreasing modification for a rollover of distributions from a college savings account to a Jumpstart Savings account; allowing a personal income tax decreasing modification for a rollover of distributions from a Jumpstart Savings account to a West Virginia ABLE account; providing reporting and auditing requirements for the Jumpstart Savings Program; authorizing certain training and educational entities and employers to share information with the board and the Treasurer related to program participation; exempting certain personal information regarding program participants from disclosure under the state's Freedom of Information Act; limiting liability of the Treasurer related to the program; and requiring the board to promulgate certain legislative rules.

Referred to the Committee on Education.

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

Eng. Com. Sub. for House Bill 2005—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-29B-6; to amend said code by adding thereto a new article, designated §33-60-1, §33-60-2, §33-60-3, §33-60-4, §33-60-5, §33-60-6, §33-60-7, §33-60-8, and §33-60-9; to amend said code by adding thereto a new article, designated §33-61-1, and §33-61-2; and to amend said code by adding thereto a new article, designated §47-29-1, all relating to health care costs generally; requiring reports to the health care authority; providing for the regulation of out-of-state healthcare providers and non-network facility based providers; providing for the disclosures of a healthcare facility and the publication of a carrier's network; defining the responsibilities of a carrier inadvertent to out-of-state network services; providing for binding arbitration in the event of payment disputes; providing for healthcare savings cost calculations, violations and legislative rules; providing for price transparency and a publication of prices; and providing a cost of healthcare appointment prices.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 2006—A Bill to repeal §21-11-1, §21-11-2, §21-11-3, §21-11-4, §21-11-5, §21-11-6, §21-11-7, §21-11-8, §21-11-9, §21-11-10, §21-11-10a, §21-11-11, §21-11-12, §21-11-13, §21-11-14, §21-11-15, §21-11-16, §21-11-17, §21-11-18, and §21-11-20 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-11A-3a of said code; to amend and reenact §5-22-1 of said code; to amend and reenact §21-1-3 of said code; to amend and reenact §21-3C-10a, §21-3C-10b, and §21-3C-11 of said code; to amend and reenact §21-9-2 and §21-9-9 of said code; to amend and reenact §21-11A-2 and §21-11A-4 of said code; to amend and reenact §21-16-4 of said code; to amend and reenact §21A-10-11 of said code; to amend said code by adding thereto a new article, designated §30-42-1, §30-42-2, §30-42-3, §30-42-4, §30-42-5, §30-42-6, §30-42-7, §30-42-8, §30-42-9, §30-42-10, §30-42-11, §30-42-12, §30-42-13, §30-42-14, §30-42-15, §30-42-16, §30-42-17, §30-42-18, §30-42-19, and §30-42-20, all

relating to the West Virginia Contractor Licensing Act; providing for relocating the licensing of contractors from Chapter 21 to Chapter 30 of this code; providing a short title and declaration of policy with definitions; continuing the West Virginia Contractor Licensing Board, composition, terms, qualifications and appointment; administrative duties of board and legislative rules; providing for necessity for contractor license and exemptions; providing for procedure for licensing; providing for expiration date, fees and renewal of license; providing for revocation for unlawful use, assignment or transfer of license; providing for prerequisites to obtaining building permit and mandatory written contracts; providing for requiring informational list for basic universal design features; providing for injunction and criminal penalties for violation of article; providing for specific administrative duties of board and record keeping by the board; establishing authorization to grant reciprocity and to provide training to students who desire to obtain a West Virginia contractor license; providing for misdemeanor criminal penalties for violations of article; providing for limitations on municipalities, local governments, and counties from requiring a license to perform contractor work; providing for an exemption from a contractor license for residential work up to \$10,000 and commercial work up to \$50,000; providing for an exemption from a contractor license for a person performing landscaping and painting services; and providing for technical updates which updates code references to contractors throughout this code to the correct code.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 2012—A Bill to amend and reenact §18-5G-1, §18-5G-2, §18-5G-4, §18-5G-5, §18-5G-6, §18-5G-9, §18-5G-10, and §18-5G-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §18-5G-13, §18-5G-14, and §18-5G-15, all relating to public charter schools; providing for a liberal interpretation; prohibiting the conversion of private schools; prohibiting any sort of profit or monetary consideration by elected officials in relation to charter schools; limiting the authorization of public charter school; creating a process by which to appeal the authorizer's decision to the West Virginia Board of Education; creating virtual public charter schools in West Virginia; establishing the West Virginia Professional Charter School Board; providing for members, appointments, and meetings; and making technical improvements and corrections.

Referred to the Committee on Education.

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

Eng. House Bill 2262—A Bill to amend and reenact §60A-9-5 and §60A-9-5a of the Code of West Virginia, 1931, as amended, all relating to the controlled substances monitoring database; removing the requirement that a veterinarian monitor the controlled substance monitoring database; adding the requirement that a pharmacist licensed by the West Virginia Board of Pharmacy monitor the controlled substance database; and updating the code to reflect previous changes.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 2264—A Bill to amend and reenact §16-2D-2 and §16-2D-10 of the Code of West Virginia, 1931, as amended, all relating to exemptions for hospitals from certificate of need; defining terms; and exempting hospitals performing health services from certificate of need requirements.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 11, Declaring work stoppage or strike by public employees to be unlawful.

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

Com. Sub. for Senate Bill 11 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-45a, relating to declaring any work stoppage or strike by public employees to be unlawful; providing legislative findings; defining when a county board of education employee is considered to be participating in a concerted work stoppage or strike; prohibiting use of accrued and equivalent instructional time and delivery of instruction through alternative methods to cancel days lost due to a concerted work stoppage or strike; prohibiting a waiver by the state board for a county board of education's noncompliance with the employment and instructional term requirements if the noncompliance is the result of a concerted work stoppage or strike; declaring participation in a concerted work stoppage or strike to be grounds for termination; requiring, if the employee remains employed, county boards of education to withhold the prorated salary or hourly pay of each employee participating in the concerted work stoppage or strike for each day the employee participates; requiring the sums to be forfeited to the county board of education; and prohibiting participation in extracurricular activities when an originally scheduled instructional day or noninstructional day is canceled due to a concerted work stoppage or strike.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 12, Relating to local health department accountability.

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

Com. Sub. for Senate Bill 12 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-2-2, §16-2-6, §16-2-7, §16-2-8, §16-2-9, and §16-2-11 of the Code of West Virginia, 1931, as amended, relating to local health departments; creating definition; permitting members of the appointing authority to serve as non-voting, ex-officio members of the board; providing the non-voting member shall not be counted against any other criteria for board membership; permitting appointing authority to remove local health department board member; permitting appointing authority of combined board to remove their own appointed members; requiring rules adopted, promulgated, and amended by local boards of health have a public comment published in the State Register and the organization's web page; setting forth requirement for notice; requiring written comments received during comment period be presented to appointing authority for approval or disapproval in whole or in part within specified time frames; providing amendments or modifications not approved may be resubmitted; providing that a rule currently in effect is not subject to approval, unless amended, from the county commission or appointing authority; providing emergency rule approval or disapproval procedures within specified timeframes; requiring that approved rules shall be filed with the clerk of the county commission or the clerk or the recorder of the municipality, or both, and shall be kept as public records; and requiring state health officer to develop policies and guidelines that each of the local departments must comply with when a statewide public health emergency is declared.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 69, Creating "Choose Life" special registration plate supporting adoption.

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

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Transportation and Infrastructure.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 244, Making it unlawful for public utility to prohibit customers from hiring contractors to construct, install, or maintain connections to public utility.

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

Com. Sub. for Senate Bill 244 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §24-3-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting public water and sewer utilities from prohibiting a customer from constructing, installing, or maintaining a connection or other infrastructure necessary for the customer to connect to the public utility to receive service if certain requirements are met; and specifying requirements and involvement of the Public Service Commission.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles H. Clements,
Chair.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 280, Relating to e-commerce modernization.

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

Com. Sub. for Senate Bill 280 (originating in the Committee on Government Organization)—A Bill to amend and reenact §12-3A-6 of the Code of West Virginia, 1931, as amended, relating generally to acceptance of electronic payments by state and local government entities; providing that costs associated with electronic payments collected by spending units may be invoiced in a commercially reasonable manner; defining a term; requiring political subdivisions to accept all payments electronically beginning on a certain date; permitting the Treasurer to exempt spending units from electronic payment requirement based on certain criteria; and authorizing legislative rules.

And,

Senate Bill 293, Clarifying that Economic Development Authority is not authorized to enter into banking contracts without State Treasurer approval.

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

Com. Sub. for Senate Bill 293 (originating in the Committee on Government Organization)—A Bill to amend and reenact §31-15-5 and §31-15-6 of the Code of West Virginia, 1931, as amended, all relating generally to the authority of the West Virginia Economic Development Authority to enter into certain contracts and agreements; providing that the board may direct the executive director to enter into those contracts, agreements, and instruments that are necessary to carry out the statutory powers and duties of the authority; and providing that the authority is not

authorized to enter into contracts or agreements with financial institutions for banking goods or services without the approval of the State Treasurer.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 295, Relating generally to economic development loans and loan insurance issued by state.

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

Com. Sub. for Senate Bill 295 (originating in the Committee on Government Organization)—
A Bill to amend and reenact §12-6C-11 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §12-6C-11a; to amend and reenact §31-15-8 of said code; and to amend said code by adding thereto a new section, designated §31-15-8a, all relating generally to economic development loans and loan insurance issued by the state; clarifying provision stating that the Board of Treasury Investments has no fiduciary duty with regard to economic development loans administered by the Economic Development Authority; providing that the Board of Treasury Investments may inspect and copy, upon written notice, all records related to loans made available by the board to the Economic Development Authority and providing that such records shall not be considered public records and shall be exempt from disclosure pursuant to the provisions of chapter 29B of the code; defining terms; limiting the total amount of loan moneys that the board shall make available to the authority for the Broadband Loan Insurance Program to \$80 million; establishing requirements that must be met before broadband loan insurance moneys will be made available to the authority; providing that the board shall maintain broadband loan insurance loan moneys in a separate account in the Consolidated Fund; providing that broadband loan insurance moneys may only be drawn upon in the event of a broadband provider default on an insured debt or security instrument; limiting the amount of loan insurance that the authority may award in a single year to a single broadband provider to \$20 million; clarifying that the authority may not deduct administrative or operational costs from broadband loan insurance loan moneys; setting forth requirements that must be met before the authority may draw on broadband loan insurance moneys in the event of a broadband provider's default; requiring the authority to submit quarterly reports to the Joint Committee on Government and Finance and to the Governor containing certain information related to its loan insurance program; requiring the authority to make application forms for broadband loan insurance publicly available on its website; establishing the minimum information an applicant for broadband loan insurance shall be required to submit to the authority; establishing minimum criteria that the authority must consider in its broadband loan insurance application review process; establishing that the authority may provide loan insurance for eligible broadband providers pursuant to awards made by federally funded broadband expansion programs; providing that the authority may not issue loan insurance to a broadband provider that has previously defaulted on any debt or security instrument insured by the authority; requiring the authority to post certain information regarding

loan insurance agreements on its website; requiring the authority to adhere to certain accounting and record-keeping practices; requiring the authority to submit quarterly reports to the Board of Treasury Investments, the Joint Committee on Government and Finance, and the Governor containing certain information on insured loans and broadband projects financed by insured loans; requiring a biennial legislative audit of the Broadband Loan Insurance Program; removing obsolete language; and making technical corrections.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Hamilton and Beach:

Senate Bill 302—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-11A-15, relating to unfair trade practices; prohibiting pricing goods and services on the basis of gender; authorizing the Attorney General to seek injunctions against offenders; and providing for civil fines and costs.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 303—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §8B-1-1, §8B-1-2, §8B-1-3, §8B-1-4, §8B-1-5, and §8B-1-6, all relating to creating the Local Government Labor and Consumer Marketing Regulatory Limitation Act; prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements; providing a short title; setting forth legislative findings and declarations; defining terms; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates information requested, required, or excluded on an application for employment; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay a wage higher than any applicable state or federal law; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay wages or fringe benefits based on a rate prevailing in the locality or the state; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates work stoppages, strike activity, or means by which employees organize; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to provide paid or unpaid leave time; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer or its employees to participate in an apprenticeship or apprenticeship training program not required by federal or state law; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates an employee's hours and

scheduling; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards or requirements regarding the sale or marketing of consumer merchandise that are different from or in addition to state law; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards of care or conduct for certain professions; providing for civil relief; establishing a civil cause of action which, if proven in a court of competent jurisdiction, may permit a person to recover damages, including compensatory and punitive damages, costs and attorney's fees, injunctive relief, or any other appropriate equitable relief against any political subdivision violating the Local Government Labor and Consumer Marketing Regulatory Limitation Act; providing exceptions; clarifying effect on prior written agreements; providing that any prohibited ordinance, regulation, local policy, local resolution, or other legal requirement in effect prior to the effective date of chapter is void; providing that the prohibitions do not apply to employees of a political subdivision; and clarifying the effect on the West Virginia Alcohol and Drug-Free Workplace Act.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 304—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-2-5, relating to requiring the Secretary of State to create and maintain an online database of religious organizations; providing effective date; requiring database contain certain information; and providing for annual update of database.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 305—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9t, relating to providing an exemption from the consumers sales and service tax for purchases of certain services and tangible personal property sold for the repair, remodeling, and maintenance of aircraft with an empty weight of 6,000 pounds or greater; defining terms; specifying a method for claiming exemption; authorizing emergency rules and promulgation of legislative rules; and establishing the effective date of the section.

Referred to the Committee on Finance.

By Senator Takubo:

Senate Bill 306—A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to the removal of animals left unattended in motor vehicles; defining terms, setting forth conditions to rescue and retrieve an animal in danger in an unattended vehicle; providing for written notice to the owner of the motor vehicle; providing for payment of fees and costs associated with the maintenance, care, and medical treatment of an animal; limiting search of a motor vehicle during rescue; providing for seizure of items found in certain circumstances; providing for civil and criminal immunity to persons, their employees, or agents who retrieve an animal; and providing for criminal penalties.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 307—A Bill to amend and reenact §18B-10-1a of the Code of West Virginia, 1931, as amended, relating generally to in-state residency tuition rates; providing that nonresident members of a reserve unit in West Virginia qualify as residents for purposes of determining tuition

rates; removing the requirement that members of the National Guard participate in the National Guard education services program; and providing that current members of the United States armed forces who reside in West Virginia qualify as residents for purposes of determining tuition rates.

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

By Senator Weld:

Senate Bill 308—A Bill to amend and reenact §29-22A-10b of the Code of West Virginia, 1931, as amended, relating to modifying the requirement that a racetrack must have participated in the West Virginia Thoroughbred Development Fund since January 1, 1999, or before in order for counties to receive two percent of the net terminal income where the video lottery terminals are located.

Referred to the Committee on Finance.

By Senator Weld:

Senate Bill 309—A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; creating the felony offense of aggravated cruelty to animals; providing a criminal penalty for the offense; and defining a term.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 310—A Bill to amend and reenact §3-1-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-10-8 of said code, all relating to providing for the nonpartisan elections of county prosecuting attorneys; requiring that nonpartisan elections of prosecuting attorneys commence in 2024; requiring a run-off election be held concurrently with the general election between the two highest vote getters in the nonpartisan election if no candidate receives a majority of votes cast; and providing that subsequent appointments to fill vacancies in office shall be nonpartisan.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 311—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-18-30, relating to the acquisition and disposition of certain real property by an urban development authority; prohibition on acquisition; and ability to exercise the right of first refusal of tax-delinquent properties.

Referred to the Committee on Economic Development.

By Senator Weld:

Senate Bill 312—A Bill to amend and reenact §15-2-24 of the Code of West Virginia, 1931, as amended, relating to allowing a name-based state and federal criminal history record check of each adult residing in a residence when, due to emergency, a minor child must be placed in home care due to the absence of parents or custodians.

Referred to the Committee on Health and Human Resources.

By Senator Jeffries:

Senate Bill 313—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to authorizing the year-round hunting of coyote by artificial light or any night vision technology.

Referred to the Committee on Natural Resources.

By Senator Jeffries:

Senate Bill 314—A Bill to amend and reenact §47-26-1, §47-26-2, and §47-26-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §47-26-2a, all relating to the regulation of pawnbrokers; removing an exception for certain transactions from the report required of all pawnbrokers; requiring all pawnbrokers to be equipped with certain surveillance equipment and signage effective January 1, 2022; prohibiting pawnbrokers from doing business with certain persons; prohibiting pawnbrokers from purchasing certain items or transacting with certain items from anyone; creating misdemeanor offenses for certain violations; and increasing the penalties for existing criminal offenses related to pawnbrokers.

Referred to the Committee on the Judiciary.

By Senator Jeffries:

Senate Bill 315—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, and §46A-6O-6, all relating to automatic purchase renewal offers and continuous service offers; stating legislative intent; defining terms; setting notice and disclosure requirements for automatic purchase renewal offers and continuous service offers; providing that a business may not charge the consumer for an automatic renewal or continuous services without first obtaining the consumer's affirmative consent; providing acknowledgement requirements; providing that a business shall disclose how to cancel the automatic renewal or continuous service before the consumer pays if the offer includes a free gift or trial; providing that a business shall provide certain mechanisms for cancellation of the automatic renewal or continuous offer in the acknowledgement; requiring a business to provide contact information to the consumer; providing means for terminating the automatic renewal or continuous service offer online; providing notice requirements in the case of material changes in the terms of the automatic renewal or continuous service; providing that a business shall provide to the consumer a reminder of the recurring charge and information on how the consumer may cancel at least 30 days prior to the charge in the case of automatic renewal or continuous service offers of certain frequency; providing a period of application; providing that goods, wares, merchandise, or products shall be deemed an unconditional gift to the consumer when the business sends any goods, wares, merchandise, or products to a consumer without first obtaining the consumer's affirmative consent under a continuous service agreement or automatic renewal of a purchase; providing a civil cause of action; providing statutory penalties; providing that no action may be brought until written notice is provided by the consumer, or his or her representative, to the business; providing written notice requirements; providing mailing requirements; providing the business an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for the business to remit payment, if any, as specified in the accepted cure offer; providing that a claim may be brought for failure of the business to timely effect the accepted cure offer; providing that the written notice is a jurisdictional prerequisite to bringing a cause of action; prohibiting certification of certain class action litigation; providing the court discretion to award plaintiff costs of the action, including reasonable attorney's fees; providing that plaintiff is not entitled to costs and attorney's fees under certain circumstances; providing a statute of limitations; providing that the statute of limitations shall be tolled; and stating exemptions.

Referred to the Committee on the Judiciary.

By Senator Jeffries:

Senate Bill 316—A Bill to amend and reenact §8-10-2b of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-3-3c of said code; and to amend and reenact §62-4-17

of said code, all relating to eliminating the ability of a person's driver's license to be suspended for failure to pay court fines and costs.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 317—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-19-1, relating to providing protection from civil liability for certain individuals for damage to an owner's motor vehicle when removing a domesticated animal from the locked and/or unattended motor vehicle under certain circumstances.

Referred to the Committee on the Judiciary.

By Senators Karnes and Takubo:

Senate Bill 318—A Bill to amend and reenact §36-8-9 of the Code of West Virginia, 1931, as amended, relating generally to public notice of unclaimed property held by the State Treasurer; eliminating the requirement that the Treasurer publish unclaimed property registry in newspapers; requiring the Treasurer to publish a searchable database of persons appearing to be the owners of unclaimed property, to be updated every six months; requiring the Treasurer to publish an annual advertisement regarding unclaimed property in a newspaper of general circulation in certain counties; and setting forth required content for said advertisement.

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

By Senator Jeffries:

Senate Bill 319—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-1-16 and §16-1-16a, all relating to social determinants of health; establishing the Minority Health Advisory Team, including its composition and duties; authorizing a Community Health Equity Initiative Demonstration Project; authorizing the Commissioner of the Bureau for Public Health to establish a Community Health Equity Initiative Demonstration Project; establishing eligibility requirements; providing for the administration of the demonstration project; establishing requirements for a demonstration project plan and the selection of communities for participation; establishing reporting requirements; and establishing the date on which the demonstration project terminates.

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

By Senator Jeffries:

Senate Bill 320—A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder resulting from an event that occurred during their employment; making findings; and defining terms.

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

By Senator Weld:

Senate Bill 321—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to clarifying and updating language regarding special license plates for Fairmont State alumni.

Referred to the Committee on Transportation and Infrastructure.

By Senator Nelson:

Senate Bill 322—A Bill to amend and reenact §21-5D-2 and §21-5D-4 of the Code of West Virginia, 1931, as amended, all relating generally to the payment of salary or wages under the Parental Leave Act.

Referred to the Committee on Government Organization.

By Senator Jeffries:

Senate Bill 323—A Bill to amend and reenact §20-1-17 of the Code of West Virginia, 1931, as amended, relating to prohibiting the Natural Resources Commission from establishing a bag limit for antlered deer at three or more.

Referred to the Committee on Natural Resources.

By Senator Jeffries:

Senate Bill 324—A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended, relating to clarifying municipal business and occupation taxation where business activity occurs in more than one location; defining terms to reflect the changing national economy; and authorizing the Tax Commissioner to promulgate any necessary regulations.

Referred to the Committee on Finance.

By Senator Karnes:

Senate Bill 325—A Bill to repeal §17C-16-1, §17C-16-2, §17C-16-3, §17C-16-4, §17C-16-5, §17C-16-6, §17C-16-7, §17C-16-8, and §17C-16-9 of the Code of West Virginia, 1931, as amended, relating to mandatory state inspections of motor vehicles.

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

The Senate proceeded to the seventh order of business.

Senate Resolution 7, Recognizing pregnancy care centers for dedication to assisting women, men, and families facing unexpected pregnancy.

On unfinished business, coming up in regular order, was reported by the Clerk.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 216, Authorizing Department of Commerce to promulgate legislative rules.

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

On the passage of the bill, the yeas were: Baldwin, Beach, Boley, Caputo, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale,

Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Azinger and Clements—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 216) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Baldwin, Beach, Boley, Caputo, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Azinger and Clements—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 216) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 14, Providing for additional options for alternative certification for teachers.

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

Com. Sub. for Senate Bill 15, Relating generally to in-field master's degree.

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

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 66, Creating Voluntary WVU Rifle Team Check-Off Program on hunting and fishing licenses.

Com. Sub. for Senate Bill 272, Relating to WV Employment Law Worker Classification Act.

And,

Com. Sub. for Senate Bill 277, Creating COVID-19 Jobs Protection Act.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Jeffries, unanimous consent being granted, it was ordered that the Journal show had Senator Jeffries been present in the chamber on Tuesday, February 16, 2021, he would have voted "yea" on the passage of Engrossed Committee Substitute for Senate Bill 9, Engrossed Senate Bill 10, Engrossed Committee Substitute for Senate Bill 34, Engrossed Senate Bill 78, Engrossed Committee Substitute for Senate Bill 81, Engrossed Committee Substitute for Senate Bill 126, Engrossed Senate Bill 140, and Engrossed Committee Substitute for Senate Bill 156.

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

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on February 16, 2021:

Senate Bill 1: Senator Caputo;

And,

Senate Bill 293: Senator Weld.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 16, 2021:

Senate Bill 18: Senator Maroney;

Senate Bill 28: Senator Maroney;

Senate Bill 42: Senator Weld;

Senate Bill 55: Senator Maroney;

Senate Bill 56: Senator Maroney;

Senate Bill 60: Senator Maroney;

Senate Bill 69: Senator Maynard;

Senate Bill 83: Senator Maroney;

Senate Bill 280: Senator Jeffries;

Senate Bill 288: Senator Ihlenfeld;

Senate Bill 293: Senators Maynard and Martin;

Senate Bill 298: Senator Swope;

Senate Bill 300: Senator Romano;

Senate Bill 301: Senator Roberts;

Senate Concurrent Resolution 4: Senator Weld;

And,

Senate Resolution 7: Senators Maroney, Phillips, and Roberts.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:24 a.m., the Senate adjourned until tomorrow, Thursday, February 18, 2021, at 11 a.m.

SENATE CALENDAR

**Thursday, February 18, 2021
11:00 AM**

THIRD READING

Eng. Com. Sub. for S. B. 14 - Providing for additional options for alternative certification for teachers

Com. Sub. for S. B. 15 - Relating generally to in-field master's degree - (With right to amend)

SECOND READING

Com. Sub. for S. B. 66 - Creating Voluntary WVU Rifle Team Check-Off Program on hunting and fishing licenses

Com. Sub. for S. B. 272 - Relating to WV Employment Law Worker Classification Act (original similar to HB2020)

Com. Sub. for S. B. 277 - Creating COVID-19 Jobs Protection Act

FIRST READING

Com. Sub. for S. B. 11 - Declaring work stoppage or strike by public employees to be unlawful

Com. Sub. for S. B. 12 - Relating to local health department accountability

S. B. 69 - Creating "Choose Life" special registration plate supporting adoption

Com. Sub. for S. B. 244 - Making it unlawful for public utility to prohibit customers from hiring contractors to construct, install, or maintain connections to public utility

Com. Sub. for S. B. 280 - Relating to e-commerce modernization

Com. Sub. for S. B. 293 - Clarifying that Economic Development Authority is not authorized to enter into banking contracts without State Treasurer approval

Com. Sub. for S. B. 295 - Relating generally to economic development loans and loan insurance issued by state (original similar to HB2018)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2021

Thursday, February 18, 2021

9:30 a.m.

Finance

(Room 451M)