

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2021
TWENTY-SEVENTH DAY

Charleston, West Virginia, Monday, March 8, 2021

The Senate met at 11:01 a.m.

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

Prayer was offered by the Honorable Amy N. Grady, a senator from the fourth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Jack David Woodrum, a senator from the tenth district.

Pending the reading of the Journal of Friday, March 5, 2021,

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

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. Senate Bill 345, Expanding alcohol test and lock program to include offenders with drug-related offense.

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

Eng. Senate Bill 358, Removing prohibition on ATMs located in area where racetrack video lottery machines are located.

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

Eng. Com. Sub. for House Bill 2257—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-30, relating to extended

supervision for certain drug offenders; establishing supervised release penalty of up to 10 years for certain drug offenders; establishing when period of supervised release begins; providing for supervision by multijudicial circuit probation officers; clarifying terms of supervised release same as those for probation; establishing a fee for supervised release; establishing that court may modify or revoke supervised release; providing court required probation officer provide written conditions; providing for supervised release following revocation; providing for delayed revocation.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 2507—A Bill to repeal §29-22B-404 of the Code of West Virginia, 1931, as amended, and to amend and reenact §29-22B-702, §29-22B-706, and §29-22B-1201 of said Code, relating to removing certain limitations on advertising and promotional activities by the Lottery Commission, limited video lottery retailers and limited video lottery operators; removing requirements for notice and public hearing; and removing a required reduction of limited video lottery locations which was to take effect this year.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 2621—A Bill to amend and reenact §15A-11-8 and §15A-11-9 of the Code of West Virginia, 1931, as amended, all relating to requirements of fire departments; requiring the Fire Officer 2 training to contain a component on current laws, rules and regulations governing the fire service; requiring the Firefighter 1 training to contain a section on the Fire Commission, Fire Marshal's Office and the operations of both; establishing a mandatory certification program for fire chiefs, or acting chiefs, of every fire department; requiring the Fire Commission propose emergency legislative rules and legislative rules to implement the certification process; setting forth the process of denial, suspension, or revocation of fire departments, chiefs, or acting chiefs, and the conditions under which the certification can be denied, suspended or revoked; allowing persons with specialized training to be members of volunteer fire departments who are not certified as firefighters; limiting the actions of specialized members of fire departments who are not certified fire fighters; requiring the fire commission to propose emergency legislative rules and legislative rules to implement the process of allowing specialized members of departments; allowing the fire commission to propose emergency rules and legislative rules governing the activities of junior firefighters; requiring the fire Marshal to issue certificates to departments following a department evaluation, and requiring that the certificate of evaluation be posted at the fire department in a conspicuous place to be visible to members of the department and to members of the public.

Referred to the Committee on Government Organization.

Executive Communications

The Clerk then presented the following communication from His Excellency, the Governor, regarding bills approved by him:



Jim Justice
Governor of West Virginia

March 8, 2021

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

House Bill No. Two Thousand Nineteen (2019), which was presented to me on March 2, 2021.

You will note that I have approved this bill on March 8, 2021.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 5th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 2012), Relating to public charter schools.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Dean Jeffries,
Chair, House Committee.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 314, Regulating pawnbrokers.

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

Com. Sub. for Senate Bill 314 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §47-26-1 and §47-26-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §47-26-2a, all relating generally to the regulation of pawnbrokers; defining terms; prohibiting pawnbrokers from doing business with certain persons; prohibiting pawnbrokers from purchasing certain items or transacting in certain items; creating misdemeanor offenses for certain acts; and increasing the penalties for existing criminal offenses related to pawnbrokers.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senator Swope:

Senate Bill 587—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-62, relating to contract terms and conditions and the inability of government officials to agree with certain contract terms.

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

By Senator Azinger:

Senate Bill 588—A Bill to amend and reenact §18-9B-17, §18-9B-18, and §18-9B-19 of the Code of West Virginia, 1931, as amended, all relating to requiring county boards of education and county superintendents to comply with the instructions of the State Board of Education; expanding remedies that may be used to enforce certain orders of the State Board of School Finance when a county board of education fails or refuses to comply; expanding circumstances under which the State Board of School Finance can withhold payment of state aid from a county board; prohibiting county board of education members from being paid under certain circumstances of noncompliance with state law or State Board of Education policy; allowing the State Board of School Finance to require certain actions during periods of noncompliance; and requiring the State Board of School Finance to report certain actions of enforcement against a county board to the State Board of Education at its next meeting.

Referred to the Committee on Education.

By Senator Trump:

Senate Bill 589—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-62-1, §16-62-2, and §16-62-3, all relating to authorizing the treatment of persistent symptoms of hypothyroidism as a similar but distinguishable disease from hypothyroidism; requiring insurers to provide coverage for care for persistent symptoms of hypothyroidism; and requiring the West Virginia Board of Medicine to notify all medical professionals of this legislation.

Referred to the Committee on Health and Human Resources.

By Senator Woelfel:

Senate Bill 590—A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, all relating to permitting medical marijuana to be prescribed in edible form; and removing the restrictions that prevent medical marijuana from being prescribed in edible form.

Referred to the Committee on Health and Human Resources.

By Senator Woelfel:

Senate Bill 591—A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to amending the penalty of simple possession of marijuana from a misdemeanor crime to a civil violation; and amending the penalties from those of a misdemeanor crime to a civil violation.

Referred to the Committee on the Judiciary.

By Senator Woelfel:

Senate Bill 592—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to permitting member private and parochial schools to enter into an agreement with member public schools to permit students of private and parochial schools to participate in athletic and other extracurricular activities as a participant of the public school; defining terms; and providing eligibility criteria for students from member private and parochial schools.

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

By Senator Caputo:

Senate Bill 593—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-11G-1, relating to requiring exhibitors of motion pictures who operate two or more theatres in more than one location in this state to provide open captioning during at least two showings per week of each motion picture that is produced and offered with open captioning; and requiring, when requested, audio description be provided for any motion picture that is produced and offered with audio description.

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

By Senator Ihlenfeld:

Senate Bill 594—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-56, relating to pronouncing legislative findings necessitating the creation of a deferred retirement option program for the West Virginia State Police; providing definitions of certain terms; establishing eligibility requirements; establishing procedures to elect participation in the program; providing procedures concerning the retirement allowances accrual of interest; continuing normal compensation and personnel regulations for eligible members; providing for payment of the deferred retirement payment; and relating to the resumption of retirement allowances after termination in the deferred retirement option program.

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

By Senator Rucker:

Senate Bill 595—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, relating to a ban of nonsurgical, chemical abortions in this state; prohibiting the manufacture, distribution, prescription, disbursement, sale, or transfer of the “abortion pill”, otherwise known as RU-486, Mifepristone, Mifegyne, or Mifeprex, or any substantially similar generic or nongeneric abortifacient drug in West Virginia; and creating a criminal penalty.

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

By Senator Romano:

Senate Bill 596—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-9-1, §12-9-2, and §12-9-3, all relating to creating the Corporate Anti-Subsidy Act; permitting West Virginia to enter into the Interstate Compact Agreement Prohibiting Company-Specific Subsidies; and setting a level playing field that would abolish the nationwide practice of company-specific subsidies that currently pits states against one another.

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

By Senator Caputo:

Senate Bill 597—A Bill to amend and reenact §3-8-1a and §3-8-9 of the Code of West Virginia, 1931, as amended, all relating to defining caregiving expenses; and providing for caregiving expenses to be given to candidates running for office in West Virginia.

Referred to the Committee on the Judiciary.

By Senator Plymale:

Senate Bill 598—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, §16-63-4, §16-63-5 and §16-63-6, all relating to creating the Youth Mental Health Protection Act; setting forth legislative findings; setting forth a purpose; defining terms; providing for a prohibition on conversion therapy; setting forth a prohibition for referral services for conversion therapy; and providing for disciplinary actions against providers who violate the article.

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

By Senator Ihlenfeld:

Senate Bill 599—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to increasing salaries for members of the West Virginia State Police.

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

Senators Stollings and Phillips offered the following resolution:

Senate Concurrent Resolution 16—Requesting the Division of Highways name a stretch of West Virginia Route 85 beginning at the southern end of Dunlap Brothers Road at Uneeda and ending one mile south near Quinland in Madison, West Virginia, as the “U.S.M.C. CPL Roger Lee Boothe Memorial Road”.

Whereas, Roger Lee Boothe was born in Logan county on August 20, 1947, and moved to Uneeda in Boone County at the age of three where he was raised; and

Whereas, Roger Lee Boothe graduated from Scott High School, and at age 18, he entered the U.S. Marine Corps; and

Whereas, While at Quang Tri, Vietnam, with only eight days left until his deployment home, the bunker where CPL Roger Lee Boothe was assigned was shelled. He was left paralyzed from the waist down; and

Whereas, When CPL Roger Lee Boothe returned home, he enrolled at the West Virginia Rehab Center to study accounting and played on their wheelchair basketball team; and

Whereas, Roger Lee Boothe went on to earn a chemistry degree from West Virginia State University, and then to West Virginia University, where he successfully completed their pharmacy program; and

Whereas, CPL Roger Lee Boothe then returned to Uneeda to help his mother, who was ill, and also opened a pharmacy there in 1976 to help his community; and

Whereas, CPL Roger Lee Boothe was always a guiding light for his community and never turned down the opportunity to help someone in need, whether it was loaning money for food or medicine, or just being there to listen when someone was going through a difficult time; and

Whereas, CPL Roger Lee Boothe always had an interest in sports, and he played basketball and baseball as a left-handed pitcher in high school; and

Whereas, Later, CPL Roger Lee Boothe played wheelchair basketball, participated in the Charleston Distance Run, and supported athletic teams in Madison and the surrounding areas; and

Whereas, CPL Roger Lee Boothe also became interested in flying, learned to fly ultralight planes, and even built his own airplane, where he customized it with hand controls; and

Whereas, CPL Roger Lee Boothe has selflessly helped several students get their college degrees and much more; and

Whereas, CPL Roger Lee Boothe was a very humble, private person, and he did not speak of his many outreach and assistance efforts on his own. This information was gathered by family and friends who love and appreciate him; and

Whereas, Sadly, on Sunday, August 11, 2019, CPL Roger Lee Boothe passed away. He was preceded in death by his parents, Bill and Mary (Green) Boothe; his brother, Ralph; his sister, RoseMary (Boothe) McCray; and nephew, Bill Church; and

Whereas, CPL Roger Lee Boothe is survived by his companion, and love of his life of 25 years, Nada Baldwin; his brother, Dale Boothe; sister, Rita Boothe Church; nieces, Wendy Miller, London Gibson, and Dee-Dee Seagraves; nephews, Tom, Jim, and Joe Boothe; a special friend, Brock Loftis; a special granddaughter, Brittany Baldwin; and a 12-year-old granddaughter, Azriella Baldwin; and

Whereas, It is fitting that an enduring memorial be established to commemorate CPL Roger Lee Boothe and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name a stretch of West Virginia Route 85 beginning at the southern end of Dunlap Brothers Road at Uneeda and ending one mile south near Quinland in Madison, West Virginia, as the "U.S.M.C. CPL Roger Lee Boothe Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the "U.S.M.C. CPL Roger Lee Boothe Memorial Road"; and, be it

Further Resolved, That the Clerk of Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Phillips and Stollings offered the following resolution:

Senate Concurrent Resolution 17—Requesting the Division of Highways name bridge number 23-017/09-000.06 (23A054), locally known as Clothier Box Beam, carrying CR 17/9 over Spruce Fork in Logan County, the "U.S.M.C. CAPT Dempsey Stowers Memorial Bridge".

Whereas, Dempsey Stowers, a native of Bulgar, West Virginia, was born September 7, 1941, and died February 23, 2020; and

Whereas, Dempsey Stowers proudly joined the United States Marine Corps in 1960. He served for as a signal intelligence/electronic warfare officer; and

Whereas, Dempsey Stowers retired from the U.S. Marine Corps after 23 years, earning the rank of captain; and

Whereas, CAPT Dempsey Stowers obtained numerous medals for his exceptional service, including the National Defense Medal, Armed Forces Expeditionary, Republic of Vietnam Campaign, Navy Union Citation, Navy Achievement Medal, Vietnam Service Medal with three stars, Meritorious Unit Commendation, Sea Service Deployment Ribbon, Navy Commendation Medal, Meritorious Service Medal, Republic of Vietnam Meritorious Unit Citation, and three letters of Commendations; and

Whereas, Upon retirement from his service, CAPT Dempsey Stowers returned home to West Virginia where he and his wife, Judy Stowers, raised their family, and

Whereas, CAPT Dempsey Stowers was active in his community and church, where he was widely known as a leader and exemplification of service; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S.M.C. CAPT Dempsey Stowers and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-017/09-000.06 (23A054), locally known as Clothier Box Beam, carrying CR 17/9 over Spruce Fork in Logan County, the "U.S.M.C. CAPT Dempsey Stowers Memorial Bridge".

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S.M.C. CAPT Dempsey Stowers Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senator Maynard offered the following resolution:

Senate Concurrent Resolution 18—Requesting the Division of Highways name bridge number 50-152-5.70 (50A112), locally known as Missouri Branch Beam Span, carrying West Virginia Route 152 over the West Fork of Twelvepole Creek in Wayne County, the "Curtis 'Pap' and Millie 'Mammie' Asbury Memorial Bridge".

Whereas, Curtis Asbury was born on September 24, 1917, in Wayne, West Virginia, and his devoted wife, Millie Ferguson, was born on April 24, 1924. They were married in 1939; and

Whereas, Curtis and Millie Asbury established, owned, and operated Asbury's Grocery, located at the entrance to Cabwaylingo Park Road for 52 years. The grocery store became a vital resource for community members. For five decades, the store not only provided necessary food and other goods but was also a meeting place for community members to gather and discuss everything from politics to family life. The bus stop was outside and when the school children would go inside the store they would be met with a smile, a hug, and a piece of fruit or candy; and

Whereas, Almost every person in the community of Dunlow, West Virginia, has been touched by Curtis and Millie's kindness and generosity. The love they both had for their community was displayed by their hardworking, gentle, and giving spirits. They were devoted to making their small community a better place to live by always extending a helping hand, providing jobs, caring for the elderly, and encouraging and guiding the youth. They helped develop and organize their area by creating local churches, directing Sunday school classes, and working to fulfill the needs of the entire community. They treated everyone as their own family and were lovingly referred to as everyone's "Mammie" and "Pap"; and

Whereas, It is fitting that an enduring memorial be established to commemorate Curtis and Millie Asbury and their contributions to their community and our state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 50-152-5.70 (50A112), locally known as Missouri Branch Beam Span, carrying West Virginia Route 152 over the West Fork of Twelvepole Creek, in Wayne County, the "Curtis 'Pap' and Mille 'Mammie' Asbury Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Curtis 'Pap' and Mille 'Mammie' Asbury Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senator Clements offered the following resolution:

Senate Resolution 16—Amending Senate Rule 14 relating to the introduction and adoption of concurrent resolutions.

Resolved by the Senate:

That Senate Rule 14 be amended as follows:

No Senate bill, other than a Senate supplementary appropriation bill, and no Senate joint resolution shall be introduced in the Senate after the forty-first day of a regular session unless permission to introduce the bill or the joint resolution be given by a Senate resolution, setting out the title to the bill or the joint resolution and adopted by two-thirds vote of the members present. When permission is requested to introduce a bill or joint resolution under the provisions of this rule, duplicate copies of the bill or the joint resolution shall accompany the resolution when introduced and all such bills or joint resolutions shall be filed electronically with the Clerk's office.

Standing and select committees of the Senate may originate a bill or joint resolution and report the same after the forty-first day.

No Senate concurrent resolution requesting the naming of transportation infrastructure shall be introduced from the floor at any time or introduced in the Senate after the forty-first day. No concurrent resolution requesting the naming of transportation infrastructure may be adopted by the Senate after the fifty-fifth day.

The forty-first day of the regular session held in the year one thousand nine hundred seventy-seven and every fourth year thereafter shall be computed from and include the second Wednesday of February of such years.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 14, Creating WV Women's Suffrage Memorial.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Government Organization.

Senate Concurrent Resolution 15, Extending certain leases between US Army Corps of Engineers and Nicholas County Airport Authority.

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

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

The question being on the adoption of the resolution, the same was put and prevailed.

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

Senate Resolution 13, Recognizing Benjamin Portaro, decorated US Army combat veteran and centenarian.

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

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

The question being on the adoption of the resolution, and on this question, Senator Caputo demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 13) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Romano and Weld regarding the adoption of Senate Resolution 13 were ordered printed in the Appendix to the Journal.

Senate Resolution 14, Pierpont Community and Technical College Day.

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

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Beach, Caputo, Rucker, and Romano regarding the adoption of Senate Resolution 14 were ordered printed in the Appendix to the Journal.

Senate Resolution 15, Acknowledging WV Botanic Garden, Inc.

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

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Beach regarding the adoption of Senate Resolution 15 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 294, Relating generally to savings and investment programs offered by state.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 294) passed with its title.

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

Eng. Senate Bill 305, Providing exemption from consumers sales and service tax for certain aircraft maintenance.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Ihlenfeld and Jeffries—2.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 305) passed.

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

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

Senator Takubo moved that the bill take effect September 1, 2021.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Ihlenfeld and Jeffries—2.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 305) takes effect September 1, 2021.

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

Eng. Com. Sub. for Senate Bill 343, Authorizing DMV to process online driver's license or identification card change of address.

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

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

Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 343) passed with its title.

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

Eng. Com. Sub. for Senate Bill 375, Relating to county boards of education policies for open enrollment.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 375) passed with its title.

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

Eng. Senate Bill 376, Removing obsolete provisions regarding DOH standards for studded tires and chains.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 376) passed with its title.

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

Eng. Senate Bill 390, Reorganizing Health Care Authority under DHHR and clarifying responsibilities for all-payer claims database.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 390) passed with its title.

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

Eng. Senate Bill 397, Relating to health care provider tax.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 397) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 397) takes effect from passage.

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

Eng. Senate Bill 404, Modifying well work permits issued by DEP Office of Oil and Gas.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 404) passed with its title.

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

Eng. Com. Sub. for Senate Bill 421, Authorizing Workforce West Virginia to hire at-will employees.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 421) passed with its title.

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

Eng. Com. Sub. for Senate Bill 429, Exempting Division of Emergency Management from Purchasing Division requirements for certain contracts.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 429) passed with its title.

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

Eng. Com. Sub. for Senate Bill 435, Requiring county superintendents to authorize certain school principals or administrators at nonpublic schools to issue work permits for enrolled students.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 435) passed with its title.

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

Eng. Com. Sub. for Senate Bill 439, Allowing use or nonuse of safety belt as admissible evidence in civil actions.

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

At the request of Senator Trump, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for Senate Bill 469, Permitting and establishing requirements for appearance by video for purpose of notarial acts.

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 469 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 469) passed with its title.

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

The Senate proceeded to the ninth order of business.

Senate Bill 39, Prohibiting insurance coverage from requiring prior authorization for tests to stage cancer.

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

Com. Sub. for Senate Bill 334, Establishing license application process for needle exchange programs.

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

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

Com. Sub. for Com. Sub. for Senate Bill 339, Expanding types of agricultural operations that are protected from nuisance and other legal actions.

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

Com. Sub. for Senate Bill 344, Relating to credit for qualified rehabilitated buildings investment.

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

Com. Sub. for Senate Bill 370, Requiring certain documents that contain wage records be considered confidential.

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

Com. Sub. for Senate Bill 383, Relating to exempting certain organizations from property taxation.

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

Senate Bill 456, Relating to Natural Resources Police Officers Retirement System.

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

Com. Sub. for Senate Bill 460, Relating to Deputy Sheriff Retirement System Act.

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

Senate Bill 467, Relating to WV Municipal Police Officers and Firefighters Retirement System.

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 466, Relating generally to appraisal management companies.

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

Com. Sub. for Senate Bill 475, Dedicating certain fees collected by agencies and licensing boards to General Revenue Fund.

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

Com. Sub. for Senate Bill 498, Amending definition of "sexual contact".

On first reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was rereferred to the Committee on the Judiciary.

Com. Sub. for Senate Bill 517, Relating to sunset provisions of legislative rules.

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

Eng. Com. Sub. for House Bill 2001, Relating generally to creating the West Virginia Jumpstart Savings Program.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Caputo, Ihlenfeld, Lindsay, and Beach.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on March 5, 2021:

Senate Bill 378: Senator Grady;

Senate Bill 497: Senator Lindsay;

Senate Bill 498: Senator Lindsay;

Senate Bill 515: Senator Lindsay;

Senate Bill 516: Senator Lindsay;

Senate Bill 520: Senator Lindsay;

Senate Bill 535: Senator Lindsay;

Senate Bill 543: Senator Lindsay;

Senate Bill 561: Senators Ihlenfeld and Baldwin;

Senate Bill 563: Senator Karnes;

Senate Bill 564: Senator Woelfel and Baldwin;

Senate Bill 567: Senators Beach and Lindsay;

Senate Bill 568: Senator Karnes;

Senate Bill 570: Senator Karnes;

Senate Bill 571: Senator Woelfel;

Senate Bill 575: Senators Beach, Caputo, and Jeffries;

Senate Bill 576: Senators Woelfel and Grady;

Senate Bill 577: Senators Roberts and Jeffries;

Senate Bill 578: Senator Lindsay;

Senate Bill 579: Senators Baldwin, Caputo, Lindsay, and Jeffries;

Senate Bill 580: Senators Lindsay and Jeffries;

Senate Bill 581: Senators Baldwin, Lindsay, and Jeffries;

Senate Bill 582: Senator Lindsay;

Senate Bill 583: Senators Beach, Lindsay, and Rucker;

Senate Bill 584: Senator Lindsay;

Senate Bill 585: Senator Lindsay;

Senate Bill 586: Senators Stollings, Caputo, Lindsay, Ihlenfeld, and Jeffries;

Senate Concurrent Resolution 14: Senators Grady, Plymale, Sypolt, Hamilton, and Maroney;

Senate Concurrent Resolution 15: Senator Lindsay;

Senate Resolution 13: Senators Stollings, Lindsay, Jeffries, and Maroney;

Senate Resolution 14: Senators Stollings, Woelfel, Caputo, Lindsay, Rucker, Martin, and Romano;

And,

Senate Resolution 15: Senators Stollings, Caputo, and Lindsay.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:21 p.m., the Senate adjourned until tomorrow, Tuesday, March 9, 2021, at 11 a.m.

SENATE CALENDAR

**Tuesday, March 09, 2021
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 16 - USMC Corporal Roger Lee Boothe Memorial Road
- S. C. R. 17 - USMC Captain Dempsey Stowers Memorial Bridge
- S. C. R. 18 - Curtis "Pap" and Millie "Mammie" Asbury Memorial Bridge
- S. R. 16 - Amending Senate Rule 14 relating to introduction of concurrent resolutions

THIRD READING

- Eng. S. B. 39 - Prohibiting insurance coverage from requiring prior authorization for tests to stage cancer
- Com. Sub. for S. B. 334 - Establishing license application process for needle exchange programs - (With right to amend)
- Eng. Com. Sub. for Com. Sub. for S. B. 339 - Expanding types of agricultural operations that are protected from nuisance and other legal actions
- Eng. Com. Sub. for S. B. 344 - Relating to credit for qualified rehabilitated buildings investment
- Eng. Com. Sub. for S. B. 370 - Requiring certain documents that contain wage records be considered confidential
- Eng. Com. Sub. for S. B. 383 - Relating to exempting certain organizations from property taxation
- Eng. Com. Sub. for S. B. 439 - Allowing use or nonuse of safety belt as admissible evidence in civil actions (original similar to HB2809)
- Eng. S. B. 456 - Relating to Natural Resources Police Officers Retirement System
- Eng. Com. Sub. for S. B. 460 - Relating to Deputy Sheriff Retirement System Act
- Eng. S. B. 467 - Relating to WV Municipal Police Officers and Firefighters Retirement System

SECOND READING

- Com. Sub. for S. B. 466 - Relating generally to appraisal management companies
- Com. Sub. for S. B. 475 - Dedicating certain fees collected by Division of Labor to General Revenue Fund
- Com. Sub. for S. B. 517 - Relating to sunset provisions of legislative rules
- Eng. Com. Sub. for H. B. 2001 - Relating generally to creating the West Virginia Jumpstart Savings Program - (Com. amend. and title amend. pending)

FIRST READING

Com. Sub. for S. B. 314 - Regulating pawnbrokers

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2021

Tuesday, March 9, 2021

10 a.m.

Transportation & Infrastructure

(Room 451M)