

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE  
REGULAR SESSION, 2021  
FIRST DAY

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Charleston, West Virginia, Wednesday, February 10, 2021

The Senate met at 12 Noon.

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

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

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

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

On motion of Senator Caputo, the Journal was approved and the further reading thereof dispensed with.

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

Michael J. Maroney, of the County of Marshall, having been among the candidates for State Senator for the State of West Virginia appearing to have been elected November 3, 2020, and having been absent on January 13, 2021, at the convening of the Eighty-Fifth Legislature, was administered the several oaths of office prescribed by the Constitution by the Honorable Bruce Lee Cassis, Jr., on February 10, 2021.

The Senate proceeded to the sixth order of business.

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

**By Senator Takubo:**

**Senate Bill 1**—A Bill to amend and reenact §5-16-7b of the Code of West Virginia, 1931, as amended; to amend and reenact §30-1-26 of said code; to amend and reenact §30-14-12d of said code; to amend and reenact §30-30-13a of said code; and to amend and reenact §33-57-1 of said code, all relating to telehealth services; defining terms; requiring plans to provide

reimbursement for a telehealth service on the same basis and at the same rate as if the service is provided in-person; permitting physician-patient relationship to begin with an audio-only call or conversation in real time; and adding criteria to the standard of care related to telehealth services.

Referred to the Committee on Health and Human Resources.

**By Senator Tarr:**

**Senate Bill 2**—A Bill to amend and reenact §12-6C-11 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §12-6C-11a; to amend and reenact §31-15-8 of said code; and to amend said code by adding thereto a new section, designated §31-15-8a, all relating generally to economic development loans and loan insurance issued by the state; eliminating provision stating that Economic Development Authority has no fiduciary duty with regard to economic development loans; providing that the Board of Treasury Investments may inspect and copy, upon written notice, all records related to loans made available by the board to the Economic Development Authority; defining terms; limiting the total amount of loan moneys that board shall make available to the authority for the Broadband Loan Insurance Program to \$80 million; setting forth requirements that must be met before broadband loan insurance moneys will be made available to the authority; providing that board shall maintain broadband loan insurance loan moneys in a separate account in the Consolidated Fund; providing that broadband loan insurance moneys may only be drawn upon in the event of a broadband provider default on an insured debt or security instrument; limiting the amount of loan insurance that the authority may issue to a single broadband provider to \$20 million; clarifying that the authority may not deduct administrative or operational costs from broadband loan insurance loan moneys; setting forth requirements that must be met before the authority may draw on broadband loan insurance moneys in the event of a broadband provider's default; requiring the authority to submit quarterly reports to the Joint Committee on Government and Finance and to the Governor containing certain information related to its loan insurance program; requiring the authority to make applications for broadband loan insurance publicly available on its website; establishing the minimum information an applicant for broadband loan insurance shall be required to submit to the authority; establishing minimum criteria that the authority must consider in its broadband loan insurance application review process; providing that the authority may not issue loan insurance to a broadband provider that has previously defaulted on any debt or security instrument insured by the authority; requiring the authority to post certain information regarding loan insurance agreements on its website; requiring the authority to adhere to certain accounting and record-keeping practices; requiring the authority to submit quarterly reports to the Board of Treasury Investments, the Joint Committee on Government and Finance, and the Governor containing certain information on insured loans and broadband projects financed by insured loans; requiring an annual legislative audit of the Broadband Loan Insurance Program; removing obsolete language; and making technical corrections.

Referred to the Committee on Government Organization.

**By Senator Trump:**

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

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 4**—A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-2D-16a; to amend said code by adding thereto a new section, designated §23-1-1h; to amend and reenact §23-5-1, §23-5-3, §23-5-5, §23-5-6, §23-5-8, §23-5-9, §23-5-10, §23-5-11, §23-5-12, §23-5-13, §23-5-15, and §23-5-16 of said code; to amend said code by adding thereto a new section, designated §23-5-8a; to amend and reenact §29A-5-4 of said code; to amend and reenact §29A-6-1 of said code; to amend and reenact §51-2A-24 of said code; to amend and reenact §51-9-1a of said code; to amend said code by adding thereto a new article, designated §51-11-1, §51-11-2, §51-11-3, §51-11-4, §51-11-5, §51-11-6, §51-11-7, §51-11-8, §51-11-9, §51-11-10, §51-11-11, §51-11-12, §51-11-13, and §51-11-14; and to amend and reenact §58-5-1 of said code, all relating generally to the West Virginia Appellate Reorganization Act of 2021; providing that the Judicial Vacancy Advisory Commission shall assist the Governor in filling judicial vacancies in an Intermediate Court of Appeals; transferring jurisdiction over appeals of decisions of the Health Care Authority in certificate of need reviews from the Workers' Compensation Office of Administrative Judges to the Intermediate Court of Appeals; transferring jurisdiction over objections filed in workers' compensation claims from the Office of Judges to the Workers' Compensation board of review; terminating the Office of Judges by a certain date and transferring all powers and duties, related to objections, from the Office of Judges to the board of review; providing that the Insurance Commissioner shall have administrative oversight and authority over the board of review; authorizing the board of review to hire hearing examiners meeting certain qualifications and classified as attorneys; requiring the chairman of the board of review to assign a member of the board to each objection; requiring that all orders and decisions of the board of review pertaining to an objection be issued and signed by a single member of the board of review; permitting the board of review member assigned to an objection to delegate certain duties to a hearing examiner; establishing the administrative powers and duties of the board of review; increasing the limit on the annual salary of a board of review member; authorizing the board of review to promulgate rules of practice and procedure, and establishing a process therefor; establishing duties of the chairman of the board of review; providing that the administrative expenses of the board of review shall be included in annual budget of the Insurance Commissioner; providing that petitions for review of final decisions of the Workers' Compensation Board of Review shall be made to the Intermediate Court of Appeals; establishing certain procedures and other requirements for appeals of board of review decisions made to the Intermediate Court of Appeals; providing that the Supreme Court of Appeals has discretion to review final decisions of the Intermediate Court of Appeals in workers' compensation claims; requiring that appeal of contested cases under the State Administrative Procedures Act be made to the Intermediate Court of Appeals; transferring jurisdiction to review family court final orders from circuit courts to the Intermediate Court of Appeals; creating an Intermediate Court of Appeals in West Virginia to be operational by a certain date; providing a short title; providing legislative findings; defining terms; establishing and defining two geographical districts of the Intermediate Court of Appeals; requiring a three-judge panel for proceedings of each district of the Intermediate Court of Appeals; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing that parties to an appeal in the Intermediate Court of Appeals shall have an opportunity for a full and meaningful review on the record of the lower tribunal and an opportunity to be heard; establishing a procedure by which parties to an appeal in the Intermediate Court of Appeals may file a motion for direct review of an appeal by the Supreme Court of Appeals in extraordinary circumstances; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing a process for initial appointment of judges to the Intermediate Court of Appeals to fill

vacancies in the Intermediate Court of Appeals upon its creation; providing for an initial election of judges to the Intermediate Court of Appeals for staggered terms; providing for the regular election of a judge to each district of the Intermediate Court of Appeals upon the expiration of a sitting judge's term; establishing a procedure for the filling of vacancies in unexpired judicial terms by appointment and in certain circumstances, subsequent election; providing that the Governor's judicial appointments shall be made from a list of candidates submitted by the Judicial Vacancy Advisory Commission and are subject to advice and consent of the Senate; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected public office during the judicial term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; requiring the Chief Judge of the Intermediate Court of Appeals to publish and submit certain reports to the Legislature and Supreme Court of Appeals regarding pending cases; authorizing filing fees; providing for deposit of filing fees in a special revenue account to fund the State Police Forensic Laboratory; recognizing the constitutional authority of the Supreme Court of Appeals to exercise administrative authority over the Intermediate Court of Appeals; providing that procedures and operations of the Intermediate Court of Appeals shall comply with rules promulgated by the Supreme Court of Appeals; requiring that appeals to the Intermediate Court of Appeals be filed with the Clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings shall take place in publicly available facilities as arranged by the Administrative Director of the Supreme Court of Appeals; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the Administrative Director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations; providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for lower courts; providing that the Intermediate Court of Appeals shall issue written decisions as a matter of right; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; providing internal effective dates; removing obsolete language from the code; and making technical corrections to the code.

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

**By Senators Rucker and Trump:**

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

Referred to the Committee on the Judiciary.

**By Senator Trump:**

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

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 7**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6B-4-1, relating to a limitation on political activity by public employees.

Referred to the Committee on the Judiciary.

**By Senator Rucker:**

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

Referred to the Committee on the Judiciary.

**By Senator Tarr:**

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

Referred to the Committee on Finance.

**By Senator Tarr:**

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

Referred to the Committee on Finance.

**By Senator Rucker:**

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

Referred to the Committee on Education.

**By Senator Maroney:**

**Senate Bill 12**—A Bill to amend and reenact §16-2-2, §16-2-6, §16-2-7, §16-2-8, §16-2-9, and §16-2-11 of the Code of West Virginia, 1931, as amended, relating to local health departments; creating definition; permitting members of the appointing authority to serve as

nonvoting, ex officio members of the board; permitting appointing authority to remove local health department board member; requiring rules adopted, promulgated, and amended by local boards of health have a 30-day public comment published in the State Register; setting forth requirement for notice; requiring written comments received during comment period be presented to appointing authority for approval or disapproval in whole or in part within specified time frames; providing amendments or modifications not approved may be resubmitted; requiring that approved rules shall be filed with the clerk of the county commission or the clerk or the recorder of the municipality, or both, and shall be kept as public records; and requiring placing a local health department under the authority of the state health officer when a state of emergency is declared.

Referred to the Committee on Health and Human Resources.

**By Senator Tarr:**

**Senate Bill 13**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-10-1, §49-10-2, §49-10-3, and §49-10-4, all relating to protecting rights of conscience for child welfare services providers; defining terms; defining applicability; setting forth protection for child welfare services providers; and providing for secondary services providers in catchment area.

Referred to the Committee on Health and Human Resources.

**By Senator Rucker:**

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

Referred to the Committee on Education.

**By Senator Rucker:**

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

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

**By Senator Romano:**

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

process to reestablish services for dependent upon return to state; prohibiting payment for services rendered outside state; and providing for rulemaking.

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

**By Senator Romano:**

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

Referred to the Committee on the Judiciary.

**By Senator Romano:**

**Senate Bill 18**—A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder resulting from an event that occurred during their employment.

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

**By Senator Lindsay:**

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

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

**By Senator Lindsay:**

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

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

**By Senator Lindsay:**

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

5VV-34, and §16-5VV-35, all relating to the Consolidated Public Retirement Board; providing that board administer the Emergency Medical Services Retirement System; establishing the Emergency Medical Services Retirement System; setting forth definitions; including application of honorable service condition to plan participants; providing effective dates and voting requirement; establishing federal qualification requirements; providing for liberal construction; providing that plan is not a substitute for Social Security; providing for and setting membership standards; setting forth required contributions from members and employers; creating fund and providing for investments; providing for transfer from Public Employees Retirement System; setting time limits; setting forth notice requirements; providing for the commencement of benefits, federal law maximum benefit limitations, minimum required distributions, and direct rollovers; providing for retirement credited through member's use of accrued annual or sick leave; providing for retirement benefits; setting forth annuity options; providing for refunds in certain circumstances; providing for deferred retirement; providing for forfeitures of benefits; providing awards and benefits for duty-related disability and for other causes; requiring physical examinations; establishing criteria for termination of disability; providing for prior disability; providing awards and benefits to surviving spouse and additional death benefits and scholarships for dependent children; providing for burial benefit; prohibiting double death benefits; establishing exemption from taxation, garnishment, and other process; authorizing certain deductions; establishing the effect of qualified domestic relation orders; prohibiting fraud; establishing criminal penalties; requiring repayment in certain circumstances; providing for treatment of prior military service; establishing effective date of the system; providing voluntary employer participation; establishing starting date for benefits; limiting county liability; and providing for no forfeiture of benefits if system terminates.

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

**By Senator Romano:**

**Senate Bill 22**—A Bill to amend and reenact §33-3-33 of the Code of West Virginia, 1931, as amended, relating to surcharge on fire and casualty insurance policies for purpose of funding volunteer fire departments; providing that surcharge be increased to one percent beginning January 1, 2021; and deleting obsolete language.

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

**By Senator Tarr:**

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

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

**By Senator Tarr:**

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



Referred to the Committee on the Judiciary.

**By Senator Tarr:**

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

Referred to the Committee on the Judiciary.

**By Senator Romano:**

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

Referred to the Committee on the Judiciary.

**By Senator Romano:**

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

Referred to the Committee on the Judiciary.

**By Senators Trump and Rucker:**

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

Referred to the Committee on Education.

**By Senator Trump:**

**Senate Bill 29**—A Bill to amend and reenact §29-21-2 of the Code of West Virginia, 1931, as amended, relating to authorizing the payment of fees and reimbursement of expenses of attorneys who participate on court teams or advisory bodies of specialty courts established by the Supreme Court of Appeals.

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

**By Senator Trump:**

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

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

**By Senator Trump:**

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

Referred to the Committee on the Judiciary.

**By Senator Tarr:**

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

Referred to the Committee on Finance.

**By Senator Tarr:**

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

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

**By Senator Tarr:**

**Senate Bill 34**—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to the creation of an exemption to the State Sales and Use Tax for the rental of equipment among corporations with a minimum of 50 percent common ownership.

Referred to the Committee on Finance.

**By Senator Tarr:**

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

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

**By Senator Tarr:**

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

Referred to the Committee on Education.

**By Senator Tarr:**

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

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

**By Senator Stollings:**

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

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

**By Senator Stollings:**

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

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

**By Senator Stollings:**

**Senate Bill 40**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4x, relating to accident and sickness insurance and preexisting condition coverage.

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

**By Senator Stollings:**

**Senate Bill 41**—A Bill to amend and reenact §23-4-6a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §23-4-26, all relating to occupational pneumoconiosis; eliminating the prohibition on permanent partial disability awards based solely on a diagnosis of occupational pneumoconiosis; declaring that an employee with occupational pneumoconiosis without measurable pulmonary impairment shall be paid certain benefits; and requiring certain claimants to receive permanent partial disability awards that may later be offset from a future disability award.

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

**By Senator Woelfel:**

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

Referred to the Committee on Economic Development.

**By Senator Hamilton:**

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

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

**By Senator Hamilton:**

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

in-state procurement; providing for state benefits to workers; providing for an effective date; and providing for severability.

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

**By Senator Hamilton:**

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

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

**By Senator Hamilton:**

**Senate Bill 46**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-10-5a, relating to requiring one-year residency within the district or county prior to appointment to fill a vacancy to a seat in the Legislature.

Referred to the Committee on the Judiciary.

**By Senator Hamilton:**

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

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

**By Senator Hamilton:**

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

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

**By Senator Hamilton:**

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

Referred to the Committee on the Judiciary.

**By Senator Hamilton:**

**Senate Bill 50**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-22-803, relating to adoption records; authorizing adult adoptees access to certain records, including adoption records and medical history; requiring birth parents to provide certain health information; allowing birth parents to designate a contact

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

Referred to the Committee on Health and Human Resources.

**By Senator Sypolt:**

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

Referred to the Committee on Government Organization.

**By Senator Sypolt:**

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

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 53**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §41-3-12, relating to providing that any next of kin who is criminally responsible for the death of a relative may not be involved in the decedent's burial arrangements.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 54**—A Bill to amend and reenact §3-2-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17B-2-1 of said code, all relating to permitting photo identification on voter registration identification cards; and providing that voter registration and designation information may also be placed on driver's licenses or state-issued identification cards, if so determined by the Secretary of State in cooperation with the Commissioner of Motor Vehicles.

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

**By Senator Sypolt:**

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

Referred to the Committee on Government Organization.

**By Senator Sypolt:**

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

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

**By Senator Sypolt:**

**Senate Bill 57**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-27-313, relating to staying civil actions resulting from domestic violence for 60 days from the date of entry of a final domestic violence protective order.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

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

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

**By Senator Sypolt:**

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

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

**By Senator Sypolt:**

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

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

**By Senator Sypolt:**

**Senate Bill 61**—A Bill to amend and reenact §7-7-6e of the Code of West Virginia, 1931, as amended, relating to expanding the Coyote Control Program by providing for an assessment on breeding cows; providing an option for owners of breeding cows not to participate in the program; requiring notice; and setting forth a purpose.

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

**By Senator Sybolt:**

**Senate Bill 62**—A Bill to amend and reenact §11-21-21 of the Code of West Virginia, 1931, as amended, relating to changing the qualifier for low income to 300 percent or less of the federal poverty guideline from 150 percent or less of the federal poverty guideline for a senior citizens' homestead tax credit.

Referred to the Committee on Finance.

**By Senator Sybolt:**

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

Referred to the Committee on Finance.

**By Senator Sybolt:**

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

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

**By Senator Sybolt:**

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

Referred to the Committee on the Judiciary.

**By Senator Sybolt:**

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

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

**By Senator Sybolt:**

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

Referred to the Committee on Health and Human Resources.

**By Senator Takubo:**

**Senate Bill 68**—A Bill to amend and reenact §11-17-3 and §11-17-4b of the Code of West Virginia, 1931, as amended, all relating to excise tax on tobacco products; increasing excise tax



levied and imposed on sale of cigarettes; and increasing excise tax levied and imposed on sale of e-cigarette liquid.

Referred to the Committee on Finance.

**By Senator Rucker:**

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

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

**By Senator Rucker:**

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

Referred to the Committee on the Judiciary.

**By Senator Rucker:**

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

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

**By Senator Rucker:**

**Senate Bill 72**—A Bill to amend and reenact §11A-3-2 of the Code of West Virginia, 1931, as amended, relating to requiring the sheriff to send notices to the owners of record and to each resident or occupant of real property prior to selling the property for which property taxes have not been paid.

Referred to the Committee on Government Organization.

**By Senators Rucker and Trump:**

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

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

**By Senator Rucker:**

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

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

**By Senator Rucker:**

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

Referred to the Committee on Banking and Insurance.

**By Senator Rucker:**

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

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

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

Referred to the Committee on Transportation and Infrastructure.

**By Senator Trump:**

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

Referred to the Committee on the Judiciary.

**By Senator Trump:**

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

Referred to the Committee on the Judiciary.

**By Senator Trump:**

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

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 81**—A Bill to amend and reenact §44D-1-105 of the Code of West Virginia, 1931, as amended; to amend and reenact §44D-8A-809 of said code; and to amend and reenact §44D-10-1008 of said code, all relating to correcting certain cross-references in the West Virginia Uniform Trust Code to be consistent with other language concerning the standards governing trust directors and directed trustees.

Referred to the Committee on the Judiciary.

**By Senator Takubo:**

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

Referred to the Committee on Transportation and Infrastructure.

**By Senator Takubo:**

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

Referred to the Committee on Health and Human Resources.

**By Senator Plymale:**

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

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

**By Senator Maynard:**

**Senate Bill 85**—A Bill to amend and reenact §5A-10-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5A-11-3 of said code, all relating to requiring the Public Land Corporation and the Real Estate Division to jointly review all vacated publicly owned property to determine a proper reuse of those properties, determine the appraised value of those properties, or to provide assistance with the listing of those properties for sale or lease.

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

**By Senator Maynard:**

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

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

**By Senator Maynard:**

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

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

**By Senator Maynard:**

**Senate Bill 88**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to exempting senior citizens from personal income tax.

Referred to the Committee on Finance.

**By Senators Roberts and Rucker:**

**Senate Bill 89**—A Bill to amend and reenact §49-2-113 of the Code of West Virginia, 1931, as amended, relating to exempting from licensure requirements certain education programs

operated by private schools with accredited preschool classes and certain recognition by Department of Education.

Referred to the Committee on Education.

**By Senator Rucker:**

**Senate Bill 90**—A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-9A-10a; and to amend said code by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, and §18-31-9, all relating to the Education Savings Account Act; creating compulsory school attendance exemption for education savings account (ESA) students; requiring the Department of Education to annually make a projection of the amount required to fund ESAs and make a request for an appropriation in that amount; requiring the Legislature to appropriate the amount requested; requiring the Department of Education to pay to the West Virginia State Treasurer's Office the amount appropriated; requiring the total amount of funds annually deposited in an ESA to be 90 percent of the prior year's statewide average net state aid allotted per pupil based on net enrollment adjusted for state aid purposes; providing authority for the state board of education to promulgate emergency rules and propose rules for legislative approval; limiting use of ESA funds to certain qualifying expenses; allowing a parent to apply to the Treasurer to establish an ESA for an eligible student; establishing household income limit as a condition of qualifying for the ESA program; setting forth conditions under which the Treasurer is required to approve applications; requiring the Treasurer to annually renew a student's ESA after making certain verifications; setting forth certain duties, obligations, and authority of the Treasurer; providing authority for the Treasurer to promulgate emergency rules and propose rules for legislative approval; creating a Parent Review Committee to assist the Treasurer in determining whether questionable expenditures meet the requirements to be considered qualifying expenses, to provide recommendations to the Treasurer about how to implement, administer, and improve the ESA program, and for other purposes; setting forth eligibility requirements for service providers; requiring provision to an education service provider that has enrolled an ESA student with a complete copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974; and addressing legal proceedings.

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

**By Senator Lindsay:**

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

Referred to the Committee on Transportation and Infrastructure.

**By Senator Romano:**

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

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

**By Senator Romano:**

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

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

**By Senator Romano:**

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

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

**By Senator Romano:**

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

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

**By Senator Romano:**

**Senate Bill 96**—A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to creating an online voters' guide; requiring all information in the certificate of announcement; permitting candidates running for statewide office to submit a personal statement; directing the State Election Committee to create the guide; and requiring the Secretary of State post the voters' guide on its website.

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

**By Senator Romano:**

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

Referred to the Committee on Government Organization.

**By Senator Romano:**

**Senate Bill 98**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22m; and to amend said code by adding thereto a new section, designated §18-7A-26x, all relating to a \$1,000 cost-of-living adjustment to certain

retirees of the Public Employees Retirement System and the State Teachers Retirement System by June 30, 2022; and providing for the pro rata distribution of the cost-of-living adjustment to certain beneficiaries.

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

**By Senator Romano:**

**Senate Bill 99**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-3-33c, relating to creating a surcharge on fire and casualty insurance policies in order to relieve the burden from municipalities and counties of certain fire-related cleanup and demolition; requiring the assessment of a surcharge on certain policies; creating exceptions; setting forth collection and remittance requirements; authorizing penalties; creating the Political Subdivisions Fire Cleanup Relief Fund; permitting municipalities and counties to apply to the Treasurer for a disbursement from the fund; authorizing the Treasurer to disburse funds; and granting rule-making authority.

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

**By Senator Takubo:**

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

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

**By Senator Stollings:**

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

Referred to the Committee on Finance.

**By Senator Stollings:**

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

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

**By Senator Stollings:**

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

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

**By Senator Lindsay:**

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

Referred to the Committee on Health and Human Resources.

**By Senator Lindsay:**

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

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

**By Senator Lindsay:**

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

Referred to the Committee on Finance.

**By Senator Weld:**

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

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

**By Senator Baldwin:**

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



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

**By Senator Baldwin:**

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

Referred to the Committee on the Judiciary.

**By Senator Baldwin:**

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

Referred to the Committee on the Judiciary.

**By Senator Baldwin:**

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

Referred to the Committee on Finance.

**By Senator Baldwin:**

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

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

**By Senator Baldwin:**

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

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

**By Senator Baldwin:**

**Senate Bill 114**—A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to permitting honorably discharged veterans to hunt, trap, or fish in this state without first obtaining a license.

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

**By Senator Baldwin:**

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

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

**By Senator Baldwin:**

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

Referred to the Committee on the Judiciary.

**By Senator Baldwin:**

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

Referred to the Committee on Finance.

**By Senator Maynard:**

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

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

**By Senator Baldwin:**

**Senate Bill 119**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, and §46A-6O-3, all relating to prohibiting certain misleading pharmaceutical advertising practices; providing for certain disclosures and warnings in pharmaceutical advertising for the protection of patients; and imposing criminal penalties.

Referred to the Committee on the Judiciary.

**By Senator Baldwin:**

**Senate Bill 120**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §60A-9A-1, §60A-9A-2, §60A-9A-3, §60A-9A-4, §60A-9A-5, and

§60A-9A-6, all relating to requiring wholesale drug distributors to report certain information to the West Virginia Board of Pharmacy.

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

**By Senator Baldwin:**

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

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

**By Senator Maynard:**

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

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

**By Senator Baldwin:**

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

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

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

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

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

**By Senator Tarr:**

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

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

**By Senator Sypolt:**

**Senate Joint Resolution 2**—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption

increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

**By Senator Sypolt:**

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

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

**By Senator Trump:**

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

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

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

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

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

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

*Resolved by the Legislature of West Virginia:*

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

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

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

Delegates Rowan, Phillips, and Lovejoy.

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

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

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

Senators Takubo, Boley, and Baldwin.

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

Pending announcement of meetings of standing committees of the Senate,

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

The Senate reconvened at 6:45 p.m. today.

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

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(NOTE: For formal procedure in the joint assembly and the address of His Excellency, the Governor, the Honorable Jim Justice, see the Journal of the House of Delegates for this day.)

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

### **Executive Communications**

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



*Jim Justice*  
*Governor of West Virginia*

February 10, 2021

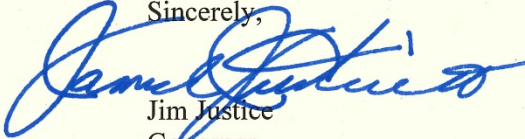
EXECUTIVE MESSAGE NO. 1  
FIRST REGULAR SESSION

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

Dear President Blair:

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

Sincerely,

  
Jim Justice  
Governor

JJ/mh

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

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

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

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

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

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**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2021**

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**Thursday, February 11, 2021**

8 a.m.	Finance	(House Chamber)
10 a.m.	Judiciary	(Room 208W)