

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2021
SIXTEENTH DAY

Charleston, West Virginia, Thursday, February 25, 2021

The Senate met at 11 a.m.

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

Prayer was offered by Dave Lavender, Senate Assistant Doorkeeper, Hurricane, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Glenn D. Jeffries, a senator from the eighth district.

Pending the reading of the Journal of Wednesday, February 24, 2021,

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

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2094—A Bill to amend and reenact §49-4-725 of the Code of West Virginia, 1931, as amended, relating to the juvenile restorative justice programs; clarifying time-frame and conditions for juvenile referral to restorative justice programs; providing definitions related to the juvenile restorative justice programs; establishing particular aspects of a voluntary restorative justice program including the requirement that the juvenile offender and victim each participate voluntarily; focusing on repairing harm done by facilitated communication between victim, offender, and associated third parties or stakeholders; requiring restorative justice programs to include victim-offender mediation dialogue, family group conferencing and implementation of measures to redress the victim and community to provide an opportunity for the offender to accept responsibility and address repair of that harm; implement measures

designed to redress the victim and community; address status offenses as appropriate and necessary; and providing that the petition against the juvenile shall be dismissed if the juvenile has not previously and successfully completed a restorative justice programs, is referred to and then successfully completes restorative justice program; and, provides that self-incriminating information obtained as the result of a restorative justice program is not admissible in subsequent juvenile proceedings.

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. House Bill 2184—A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for exposure of governmental representatives, including emergency medical service personnel, to fentanyl or any other harmful drug or chemical agent.

Referred to the Committee on the Judiciary.

Executive Messages

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



Jim Justice
Governor of West Virginia

February 24, 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, are the following bills:

Committee Substitute for House Bill No. Two Thousand Three Hundred Fifty-Eight (2358), which was presented to me on February 23, 2021.

House Bill No. Two Thousand Three Hundred Fifty-Nine (2359), which was presented to me on February 23, 2021.

You will note that I have approved these bills on February 24, 2021.

Sincerely,

A handwritten signature in cursive script, reading "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis

The Senate proceeded to the fourth order of business.

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 5, Relating to claims arising out of WV Consumer Credit and Protection Act.

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

Com. Sub. for Senate Bill 5 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §46A-5-104 of the Code of West Virginia, 1931, as amended; to amend and reenact §46A-5-108 of said code; to amend said code by adding thereto a new section, designated §46A-5-109; to amend and reenact §46A-6-106 of said code; and to amend and reenact §46A-8-101 of said code, all relating generally to the West Virginia Consumer Credit and Protection Act and claims arising thereunder, providing criteria for the court to evaluate reasonable attorney fee and expense awards to the consumer in an action under the Act; providing a unified mechanism for pre-suit notices of violation and offers to cure; providing that a cure offer is not admissible at trial of an action under the Act, except that a timely delivered cure offer may be presented in a proceeding before the court, after entry of judgment, to determine attorney fees, if any; providing that either party in a private action under the Act may serve upon the other an offer to settle or for judgment to be entered, establishing a process therefor, and providing that if the offer is rejected, the circumstances under which parties may or may not recover attorney fees; providing for the award of attorney fees and expenses in actions under the Act upon a judicial determination that a claim or defense presented in the case is frivolous; and providing for an effective date.

And,

Senate Bill 392, Creating penalty for impersonation of law-enforcement officer or official.

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

Com. Sub. for Senate Bill 392 (originating in the Committee on the Judiciary)—A Bill to amend §61-1-9 of the Code of West Virginia, 1931, as amended, relating to modifying the penalty for impersonation of a law-enforcement officer or official by adding a period of possible incarceration as a criminal penalty.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bills 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, and 176, Alcohol Beverage Control Commission rule relating to private club licensing.

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

Com. Sub. for Senate Bill 160 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-7-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Revenue to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; directing the amendment of a legislative-exempt rule by the Legislature; relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to private club licensing; relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to distilleries, mini-distilleries, and micro-distilleries; relating to authorizing the Financial Institutions Division to promulgate a legislative rule relating to a rule pertaining to the Fintech Regulatory Sandbox; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to fingerprinting requirements for applicants for insurance producer and insurance adjuster license; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to insurance adjusters; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to credit for reinsurance; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to insurance continuing education for individual insurance producers and individual insurance adjusters; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to mental health parity; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to health benefit plan network access and adequacy; relating to authorizing the Municipal Pensions Oversight Board to promulgate a legislative rule relating to exempt purchasing; relating to authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing; relating to authorizing the Racing Commission to promulgate a legislative rule relating to greyhound racing; relating to authorizing the Racing Commission to promulgate a legislative rule relating to advance deposit account wagering; relating to authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia Lottery interactive wagering rule; relating to directing the State Tax Department to amend a legislative-exempt rule relating to valuation of farmland and structures situated thereon for ad valorem property tax purposes; relating to authorizing the State Tax Department to promulgate a legislative rule relating to a tax credit for providing vehicles to low-income workers; relating to authorizing the State Tax Department to promulgate a legislative rule relating to the downstream natural gas manufacturing investment tax credit; and relating to authorizing the State Tax Department to promulgate a legislative rule relating to the high-wage growth business tax credit.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Roberts, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

Senate Bill 248, Requiring DHHR collaborate with Workforce Development Board and WV Division of Personnel for purposes of job placement.

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

Respectfully submitted,

Rollan A. Roberts,
Chair.

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

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 311, Relating to acquisition and disposition of property by urban development authority.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Chandler Swope,
Chair.

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

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

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

Com. Sub. for Senate Bill 339 (originating in the Committee on Agriculture and Rural Development)—A Bill to amend and reenact §19-19-2 and §19-19-7 of the Code of West Virginia, 1931, as amended, all relating to the right to farm; defining terms; expanding protection of agricultural operations from nuisance and other legal actions to agricultural and horticultural practices allowed within municipalities, aquaponics, and hydroponics; requiring compliance with

local laws, regulations, and ordinances for protection from nuisance and other legal actions to apply; and making technical changes.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Dave Sypolt,
Chair.

The bill (Com. Sub. for S. B. 339), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill 359, Informing landowners when fencing that may contain livestock is damaged due to accident.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Dave Sypolt,
Chair.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 368, Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program.

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

Com. Sub. for Senate Bill 368 (originating in the Committee on Economic Development)—A Bill to amend and reenact §22-15A-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §22-15A-30; and to amend and reenact §22-16-12 of said code, all relating to authorizing the Department of Environmental Protection to develop the Reclamation of Abandoned and Dilapidated Properties Program to reclaim abandoned and dilapidated structures in order to improve West Virginia communities and to open new parcels for development; creating a special revenue fund; providing a statement of legislative findings and purpose; and permitting the payment of excess money from the Solid Waste Facility Closure Cost Assistance Fund into the Reclamation of Abandoned and Dilapidated Properties Program Fund.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Chandler Swope,
Chair.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Joint Resolution 4, Incorporation of Churches or Religious Denominations Amendment.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Eric J. Tarr,
Chair.

The Senate proceeded to the sixth order of business.

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

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

Senate Bill 444—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021, in the amount of \$6,497,548 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund.

Referred to the Committee on Finance.

By Senator Rucker:

Senate Bill 445—A Bill to amend and reenact §11-13X-3, §11-13X-4, §11-13X-5, §11-13X-6, §11-13X-8, §11-13X-11, §11-13X-12, and §11-13X-13 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Film Industry Investment Act; reinstating the film investment tax credit; providing the coordination and management by the West Virginia Development Office; defining “Development Office” and “multi-state distribution”; excluding short-term depreciation from credit; raising the minimum threshold of cumulative annual expenditures necessary to qualify for credit; establishing an annual limit in credits available; requiring the Development Office to develop a database of locations, music, and other resources to be made available to film production teams; providing Development Office discretion to determine if project negatively portrays West Virginia; requiring state agencies to solicit bids from West Virginia vendors for film or video projects if available; and giving retroactive effect to film investment tax credit program.

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

By Senator Weld:

Senate Bill 446—A Bill to amend and reenact §11-13J-6, §11-13J-8, and §11-13J-12 of the Code of West Virginia, 1931, as amended, all relating to extending the Neighborhood Investment

Program Act; increasing the aggregate limit for the tax credit authorized under the program; and extending duration of the program until July 1, 2026.

Referred to the Committee on Finance.

By Senators Takubo, Boley, Clements, Grady, Hamilton, Maynard, Phillips, Roberts, Rucker, Smith, Stover, Weld, and Woodrum:

Senate Bill 447—A Bill to amend and reenact §11-13Q-9, §11-13Q-10, §11-13Q-10a, and §11-13Q-22 of the Code of West Virginia, 1931, as amended, all relating to economic development incentive tax credits; specifying economic opportunity tax credit new jobs percentage of 10 percent corresponding to the creation of 10 new jobs; terminating tax credit under certain circumstances; specifying changes to resolve technical conflict with other sections; eliminating superannuated reference to business franchise tax; eliminating superannuated reporting requirement; specifying manufacturing activities that qualify for high technology manufacturing tax credit; providing definitions; proscribing multiple tax credits for the same qualified investment; making technical corrections; and specifying effective dates.

Referred to the Committee on Finance.

By Senator Martin:

Senate Bill 448—A Bill to amend and reenact §7-11B-7, §7-11B-9, §7-11B-10, and §7-11B-22 of the Code of West Virginia, 1931, as amended, all relating generally to property tax increment financing districts; authorizing a county commission or municipality to modify the termination time of certain districts; extending length of certain districts; providing clarification as to the discharge of any tax increment financing obligations outstanding on the termination date of a district; eliminating certain existing limitations on the terms of tax increment financing obligations issued to refund existing obligations; providing clarifications with respect to the base assessed value and termination date when two or more tax increment financing districts have been combined; and establishing effect date.

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

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

Senate Bill 449—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2021, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Smith:

Senate Bill 450—A Bill to amend and reenact §20-2-5a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-2-5k, all relating to protecting albino deer; adding albino deer to list of animals to which forfeiture and additional replacement costs apply; defining terms; prohibiting hunting, capturing, killing, or destroying albino deer; providing exceptions; and providing criminal penalties.

Referred to the Committee on Natural Resources.

By Senator Maynard:

Senate Bill 451—A Bill to amend and reenact §15-5-6 of the Code of West Virginia, 1931, as amended, relating to modifying the power of the state government regarding the possession of firearms by individuals during a declared state of emergency.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 452—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-18, relating to requiring the Executive Director of the West Virginia Development Office develop a comprehensive and strategic plan for the support and development of off-highway vehicle recreation across the state.

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

By Senator Maynard:

Senate Bill 453—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-11a, relating to creating an inventory and mapping system of all roads in state forests, state parks, national forests, and national parks.

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

By Senator Maynard:

Senate Bill 454—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-56, relating generally to requiring the West Virginia Division of Highways to establish an interactive website for road conditions; providing downloadable access to road maps for offline viewing; allowing website users to annotate map notes with comments and reports on road and surface conditions; providing a reporting procedure to the Joint Committee Government and Finance; and providing an effective date.

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

By Senator Maynard:

Senate Bill 455—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-19-16, relating to creating a process to facilitate the reporting and removal of illegal gates on public roads; creating a means by which members of the public may report illegal gates; creating a method of verification; creating a process by which to notify law enforcement of the gates so that they may be removed; and providing an effective date.

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

By Senator Nelson:

Senate Bill 456—A Bill to amend and reenact §20-18-2, §20-18-8, §20-18-20, §20-18-23, and §20-18-27 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-18-37, all relating to the Natural Resources Police Officers Retirement System; defining terms; clarifying concurrent employer contribution rate;

clarifying preretirement death benefits; amending conflicting statutory provisions; and adding a severability clause.

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

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

Senate Bill 457—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021, in the amount of \$13,500,000 from the Department of Administration, Board of Risk and Insurance Management, Mine Subsidence Insurance Fund, fund 2361, fiscal year 2021, organization 0218; and in the amount of \$2,000,000 from the Department of Veterans' Assistance, Veterans' Facilities Support Fund, fund 6703, fiscal year 2021, organization 0613.

Referred to the Committee on Finance.

By Senator Phillips:

Senate Bill 458—A Bill to amend and reenact §15-5-6 of the Code of West Virginia, 1931, as amended, relating to modifying the power of the state government regarding the possession of firearms by individuals during a declared state of emergency.

Referred to the Committee on the Judiciary.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the fourth order of business.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 459 (originating in the Committee on Pensions)—A Bill to amend and reenact §8-22-26 of the Code of West Virginia, 1931, as amended, relating to providing a mechanism by which contributions paid by a member into a retirement plan would be returned to the member's heirs after the member's death in the event that the member's survivors are deceased and his or her remaining heirs no longer receive death benefits under the retirement plan after reaching the age of 18.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Eric Nelson, Jr.,
Chair.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 6, US Navy Seaman 2nd Class Wilbur 'Webb' Hahn and John W. Hahn Memorial Bridge.

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

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

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

Senate Concurrent Resolution 9, Haynie Family Veterans Memorial Bridge.

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

Senate Resolution 9, Designating February 25, 2021, as Fairmont State University Day.

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

At the request of Senator Caputo, 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 Caputo and Weld regarding the adoption of Senate Resolution 9 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 7, Limiting political activity by public 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, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

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. 7) passed.

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

Eng. Com. Sub. for 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, §6B-4-2, §6B-4-3, and §6B-4-4, all relating to a limitation on political activity by public employees and public officials; setting forth legislative purpose and findings; defining terms; providing exceptions; requiring certain excepted persons to announce political activity; prohibiting political activity by public employees and public officials in certain limited circumstances; and establishing violations and penalties.

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 42, Creating Zombie Property Remediation Act of 2021.

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, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

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. 42) passed.

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

Eng. Com. Sub. for 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 compel a foreclosure; defining “vacant and abandoned property”; designating the Zombie Property Remediation Act of 2021; and requiring conveyance of the deed following foreclosure.

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

Eng. Senate Bill 396, Providing limitations on nuisance actions against fire department or EMS fixed sirens.

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, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 396) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 53, Providing person criminally responsible for another’s death may not be involved in burial arrangements.

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

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

Com. Sub. for Senate Bill 80, Allowing for administration of certain small estates by affidavit and without appointment of personal representative.

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

Eng. House Bill 2019, Elevating Economic Development and Tourism Departments.

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

The Senate proceeded to the tenth order of business.

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

Senate Bill 16, Providing continued eligibility for developmental disability services to dependents of military members.

Senate Bill 308, Modifying requirement that racetrack participate in WV Thoroughbred Development Fund by certain date.

Com. Sub. for Senate Bill 321, Clarifying and updating language regarding Fairmont State alumni license plates.

Senate Bill 338, Creating Fire Service Equipment and Training Fund.

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

Senate Bill 374, Increasing threshold for bid requirement to \$10,000 to be consistent with other state agencies.

Com. Sub. for Senate Bill 377, Relating to extension for boil water advisories by water utility or public service district.

Com. Sub. for Senate Bill 389, Relating to State Resiliency Office responsibility to plan for emergency and disaster response, recovery, and resiliency.

Eng. Com. Sub. for House Bill 2012, Relating to public charter schools.

And,

Eng. House Bill 2262, Relating to the controlled substance monitoring database.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Maynard, Caputo, Romano, Karnes, Tarr, Unger, Lindsay, and Swope.

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 removed as co-sponsors of the following bills on February 24, 2021:

Senate Bill 309: Senators Woelfel and Grady;

Senate Bill 362: Senator Phillips;

And,

Senate Bill 419: Senator Hamilton.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 24, 2021:

Senate Bill 105: Senator Grady;

Senate Bill 308: Senator Jeffries;

Senate Bill 314: Senator Weld;

Senate Bill 338: Senator Phillips;

Senate Bill 339: Senator Rucker;

Senate Bill 341: Senator Phillips;

Senate Bill 357: Senator Phillips;

Senate Bill 359: Senator Baldwin;

Senate Bill 368: Senators Baldwin and Jeffries;

Senate Bill 381: Senator Grady;

Senate Bill 391: Senator Grady;

Senate Bill 392: Senators Baldwin, and Romano;

Senate Bill 405: Senator Nelson;

Senate Bill 434: Senators Stollings and Caputo;

Senate Bill 439: Senator Roberts;

Senate Joint Resolution 5: Senator Phillips;

Senate Joint Resolution 6: Senator Phillips;

Senate Joint Resolution 10: Senator Woelfel;

Senate Concurrent Resolution 9: Senators Stollings, Woelfel, and Jeffries;

And,

Senate Resolution 9: Senators Stollings, Jeffries, Rucker, and Romano.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:02 p.m., the Senate adjourned until tomorrow, Friday, February 26, 2021, at 11 a.m.

SENATE CALENDAR

**Friday, February 26, 2021
11:00 AM**

THIRD READING

- Eng. Com. Sub. for S. B. 80 - Allowing for administration of certain small estates by affidavit and without appointment of personal representative
- Eng. H. B. 2019 - Elevating Economic Development and Tourism Departments (original similar to SB274)

SECOND READING

- S. B. 16 - Providing continued eligibility for developmental disability services to dependents of military members
- Com. Sub. for S. B. 53 - Providing person criminally responsible for another's death may not be involved in burial arrangements
- S. B. 308 - Modifying requirement that racetrack participate in WV Thoroughbred Development Fund by certain date
- Com. Sub. for S. B. 321 - Clarifying and updating language regarding Fairmont State alumni license plates
- S. B. 338 - Creating Fire Service Equipment and Training Fund
- S. B. 358 - Removing prohibition on ATMs located in area where racetrack video lottery machines are located (original similar to HB2628)
- S. B. 374 - Increasing threshold for bid requirement to \$10,000 to be consistent with other state agencies
- Com. Sub. for S. B. 377 - Relating to extension for boil water advisories by water utility or public service district.
- Com. Sub. for S. B. 389 - Relating to State Resiliency Office responsibility to plan for emergency and disaster response, recovery, and resiliency (original similar to HB2683)
- Eng. Com. Sub. for H. B. 2012 - Relating to public charter schools - (Com. amends. and title amend. pending)
- Eng. H. B. 2262 - Relating to the controlled substance monitoring database - (Com. amends. pending)

FIRST READING

- Com. Sub. for S. B. 5 - Relating to claims arising out of WV Consumer Credit and Protection Act

Com. Sub. for S. B. 160 - Authorizing Department of Revenue to promulgate legislative rules
(original similar to HB2405)

S. B. 248 - Requiring DHHR collaborate with Workforce Development Board and WV Division of
Personnel for purposes of job placement

S. B. 311 - Relating to acquisition and disposition of property by urban development authority

S. B. 359 - Informing landowners when fencing that may contain livestock is damaged due to
accident

Com. Sub. for S. B. 368 - Authorizing DEP to develop Reclamation of Abandoned and
Dilapidated Properties Program

Com. Sub. for S. B. 392 - Creating penalty for impersonating law-enforcement officer or official

S. B. 459 - Relating to return of member's paid contributions to heirs after member's death
under certain circumstances

S. J. R. 4 - Incorporation of Churches or Religious Denominations Amendment

NO COMMITTEE MEETING ANNOUNCEMENTS