

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Wednesday, March 3, 2021

The Senate met at 11 a.m.

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

Prayer was offered by the Honorable Patrick S. Martin, a senator from the twelfth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Tom Takubo, a senator from the seventeenth district.

Pending the reading of the Journal of Tuesday, March 2, 2021,

At the request of Senator Lindsay, 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 amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

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

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page three, section forty-five-a, line fifty-one, following the word "Notwithstanding", by striking out the reference to §18-5-2, and inserting in lieu thereof "§18A-5-2";

And,

On page four, section forty-five-a, lines fifty-eight through sixty-one, by striking out subsection (e) in its entirety.

On motion of Senator Rucker, the following amendment to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 11) was reported by the Clerk and adopted:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for 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 and delivery of instruction through alternative methods to cancel days lost due to a concerted work stoppage or strike; prohibiting a waiver by the state board for a county board of education's noncompliance with the employment and instructional term requirements if the noncompliance is the result of a concerted work stoppage or strike; declaring participation in a concerted work stoppage or strike to be grounds for termination; requiring, if the employee remains employed, county boards of education to withhold the prorated salary or hourly pay of each employee participating in the concerted work stoppage or strike for each day the employee participates; and requiring the sums to be forfeited to the county board of education.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill 11, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—21.

The nays were: Baldwin, Beach, Caputo, Hamilton, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel—12.

Absent: Stover—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 11) passed with its Senate amended title.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

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

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

Eng. House Joint Resolution 2—Proposing an amendment to the Constitution of the State of West Virginia, amending section nine, article IV thereof, relating to the impeachment of officials; providing that courts have no authority or jurisdiction to intercede or intervene in, or interfere with, any impeachment proceedings of the House of Delegates or the Senate; specifying that a judgment rendered by the Senate following an impeachment trial is not reviewable by any court of this state; 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.

The Senate proceeded to the fourth order of business.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 2nd day of March, 2021, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(H. B. 2019), Elevating Economic Development and Tourism Departments.

Respectfully submitted,

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

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 294 (originating in the Committee on Education), Relating generally to savings and investment programs offered by state.

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

Com. Sub. for Com. Sub. for Senate Bill 294 (originating in the Committee on Finance)—A Bill to amend and reenact §18-30-3, §18-30-4, and §18-30-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-30-6a, all relating to savings and investment programs offered by the state; defining terms; reconciling definition of “qualified education expenses” with federal law for college savings program tax benefit purposes; increasing number of persons on the Board of Trustees of the College Prepaid Tuition and Savings Program; requiring that certain members appointed to the board have experience, knowledge, or skill in a financial field; providing that reasonable efforts shall be made to appoint one member to board with a CFA; authorizing early closure of West Virginia Prepaid Tuition Trust Plan and Fund upon depletion of fund and election of board; authorizing board to expend moneys in the Prepaid Tuition Trust Plan Escrow Fund to satisfy outstanding obligations of the West Virginia Prepaid Tuition Trust Plan; specifying when Prepaid Tuition Plan account owner assets are presumed abandoned; providing for allocation of moneys remaining in escrow

fund upon closure of the Prepaid Tuition Plan; permitting board to maintain a certain amount in the escrow fund for 10 years following closure of the Prepaid Tuition Trust Fund to satisfy potential claims; providing conditions for final closure of escrow fund; creating a nonappropriated special revenue account; transferring moneys from escrow fund to the special revenue account; authorizing receipts to, and expenditures from, the special revenue account for certain purposes related to new savings and investment programs; providing for investment of moneys in special revenue account; removing obsolete language; and making technical corrections.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on Finance has had under consideration

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

And,

Senate Bill 397, Relating to health care provider tax.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

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

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

Com. Sub. for Senate Bill 343 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17B-2-13 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to renew or reissue driver's licenses and identification cards online upon request due to a change of address.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles H. Clements,
Chair.

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

Your Committee on Education has had under consideration

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

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

Com. Sub. for Senate Bill 375 (originating in the Committee on Education)—A Bill to amend and reenact §18-5-16 of the Code of West Virginia, 1931, as amended, relating to county board of education open enrollment; amending provisions pertaining to the contents of county board of education policies for open enrollment; setting forth reasons for which an open enrollment application may be denied and the process for application denial; and amending provisions pertaining to funding in certain instances of a student transfer.

And,

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

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

Com. Sub. for Senate Bill 435 (originating in the Committee on Education)—A Bill to amend and reenact §21-6-3, §21-6-4, §21-6-5, and §21-6-10 of the Code of West Virginia, 1931, as amended, all relating to issuance of a work permit for a child 14 or 15 years of age; authorizing certain additional persons to issue a work permit; requiring review rather than receipt of certain documents required as a condition of the issuance of a work permit; providing exception to the requirement for a certificate showing that the child is attending school; resolving conflict as to whether child must appear before the person issuing the work permit; and requiring the printed forms for work permits be made available to all authorized to issue work permits.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

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

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

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

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

Respectfully submitted,

Charles H. Clements,
Chair.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

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

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

Respectfully submitted,

Randy E. Smith,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 421, Authorizing Workforce West Virginia to hire at-will employees.

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

Com. Sub. for Senate Bill 421 (originating in the Committee on Government Organization)—
A Bill to amend and reenact §21A-2-6 of the Code of West Virginia, 1931, as amended, relating to the general powers and duties of the Commissioner of Workforce West Virginia; and authorizing the agency to hire additional employees to serve at the will and pleasure of the commissioner.

And,

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

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

Com. Sub. for Senate Bill 429 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5A-3-3a of the Code of West Virginia, 1931, as amended, relating to Division of Emergency Management purchase and sale of commodities and services; exempting division from Purchasing Division requirements concerning contracts for purchase of commodities or services; providing exception; and authorizing Agency for Surplus Property to transfer funds generated from the sale of vehicles, other equipment, and commodities belonging to the Division of Emergency Management to the WV Interoperable Radio Project special revenue account.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Mark R. Maynard,
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 Bill 439, Allowing use or nonuse of safety belt as admissible evidence in civil actions.

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

Com. Sub. for Senate Bill 439 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17C-15-49A, all related generally to operation of vehicles with safety belts; changing the definition of “passenger vehicle” for purposes of safety belt requirement; providing definitions; prohibiting admissibility of nonuse of a safety belt as evidence of negligence of a driver in a civil action, except for claims against the manufacturer or seller of the vehicle and/or any component or system incorporated into the vehicle; prohibiting admissibility of nonuse of a safety belt as evidence of negligence of an adult passenger in a civil action, except for claims against the manufacturer or seller of the vehicle and/or any component or system incorporated into the vehicle; allowing evidence that a child passenger was not wearing a safety belt at the time of collision as evidence of negligence against a driver in a civil action; allowing admissibility of nonuse of a safety belt as evidence of exacerbation or contribution to the damages of a driver in a civil action if supported by expert testimony, unless a driver at fault was driving under the influence; allowing admissibility of nonuse of a safety belt as evidence of exacerbation or contribution to the damages of an adult passenger in a civil action if supported by expert testimony, unless a driver at fault was driving under the influence; prohibiting admissibility of evidence that a child passenger was not wearing a safety belt at the time of collision as evidence of exacerbation or contribution to the damages of a child passenger; providing that evidence of nonuse of a safety belt constitutes an affirmative defense; requiring a court to instruct the jury as to purposes for which evidence of use or nonuse of a safety belt may be considered; providing that a court may, in its discretion and upon motion of a party, bifurcate

questions of liability and damages to prevent prejudice or avoid confusion of a jury; providing that these amendments are not intended to abrogate or modify any immunity recognized by law; providing for an effective date; and providing that these amendments do not alter the requirements of mandatory use of child passenger safety devices.

With the recommendation that the committee substitute 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 Bill 469, Permitting appearance by video for purpose of notarial act.

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

Com. Sub. for Senate Bill 469 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §39-4-6 of the Code of West Virginia, 1931, as amended, and by adding thereto three new sections, designated §39-4-6a, §39-4-37, and §39-4-38, all relating to personal appearance required for notarial acts; requiring the Secretary of State to propose legislative rules establishing requirements for the performance of a notarial act on behalf of an individual appearing before a notary public by means of communication technology; recognizing the validity of notarization performed by means of communication technology pursuant to section 6 of the Governor's Executive Order 11-20 effective March 25, 2020; defining terms, and authorizing a notary public to perform notarial acts for remotely located individuals using communication and identity-proofing technology provided certain requirements are fulfilled; specifying the means by which a notary public must identify a remotely located individual.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 8, Fire Chief Kenneth Junior Russell Memorial Bridge.

And,

Senate Concurrent Resolution 9, Haynie Family Veterans Memorial Bridge.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Charles H. Clements,
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 Nelson, Takubo, and Tarr:

Senate Bill 538—A Bill to amend and reenact §22C-9-1, §22C-9-2, §22C-9-3, §22C-9-4, and §22C-9-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22C-9-7a, all relating to oil and gas conservation; providing for the unitization of interests in drilling units in connection with shallow horizontal oil or gas wells generally; setting forth application requirements; establishing the standard of review; providing for unitization orders for shallow horizontal drilling units; requiring notice and timeliness; providing for hearings; addressing oil and gas produced from shallow horizontal wells, vertical wells, and unconventional reservoirs; providing for reunification of interests of unknown and unlocatable interest owners with surface owners in certain circumstances and providing procedures therefor; adding new definitions; and modifying existing definitions.

Referred to the Committee on the Judiciary.

By Senator Ihlenfeld:

Senate Bill 539—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to sales tax exemption of aircraft.

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

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

Senate Bill 540—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Public Service Commission, fund 8623, fiscal year 2021, organization 0926, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

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

Senate Bill 541—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Homeland Security, West Virginia State Police, fund 8741, fiscal year 2021, organization 0612, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Phillips:

Senate Bill 542—A Bill to amend and reenact §5D-1-2 and §5D-1-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated

§24-2-20, all relating to the Public Energy Authority Act of West Virginia; providing procedures to ensure that no more coal-fired plants close, and long-term state prosperity is maintained; providing legislative findings; requiring notice for coal-related proceedings and hearings before the West Virginia Public Service Commission; requiring the commission to consider all economics related to decisions involving public utility energy plants; and providing for advance notification before coal-fired plants or utilities are closed or idled.

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

By Senator Grady:

Senate Bill 543—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §10-3-3, relating to establishing a medal of excellence in honor of Chuck Yeager, known as the Chuck Yeager Mountain State Medal of Excellence; providing a process by which to annually provide this award to a West Virginian who demonstrates exceptional leadership or innovation; and establishing other related criteria.

Referred to the Committee on Government Organization.

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

Senate Bill 544—A Bill expiring funds to the balance of the Department of Education – State Board of Education – School Building Authority – School Construction Fund, fund 3952, fiscal year 2021, organization 0404, in the amount of \$2,766,137, from the State Department of Education – School Building Authority – Debt Service Fund, fund 3963, organization 0404, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

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

Senate Bill 545—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2021, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

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

Senate Bill 546—A Bill expiring funds to the balance of the Department of Commerce, West Virginia Development Office, Marketing and Communications Operating Fund, fund 3002, fiscal year 2021, organization 0307, in the amount of \$222,563, from the Department of Commerce, West Virginia Development Office, Synthetic Fuel – Producing County Fund, fund 3165, fiscal year 2021, organization 0307, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

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

Senate Bill 547—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Education, State Board of Education – State Department of

Education, fund 8712, fiscal year 2021, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

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

Senate Bill 548—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund, fund 5163, fiscal year 2021, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

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

Senate Bill 549—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, by decreasing an existing item and adding a new item of appropriation to the Department of Revenue, Insurance Commissioner, fund 8883, fiscal year 2021, organization 0704, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Woodrum:

Senate Bill 550—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1 and §7-28-2; and to amend and reenact §11-10-11c of said code, all relating generally to the authorization and administration of county sales and use taxes; setting forth legislative intent; providing counties with authority to impose a county sales and use tax of up to one percent under certain circumstances; clarifying that a county sales and use tax does not apply to incorporated areas of the county; requiring counties imposing a county sales tax to use the services of the Tax Commissioner to administer the tax; and setting forth administrative procedures for the collection and administration of such taxes.

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

By Senator Maroney:

Senate Bill 551—A Bill to amend and reenact §16-30-3 and §16-30-4 of the Code of West Virginia, 1931, as amended, all relating to health care decisions; revising definitions; revising forms of a living will, medical power of attorney, and combined medical power of attorney and living will and specific provisions; providing clarifying language regarding the effect of signing a living will on the availability of medically administered food and fluids; requiring oral food and fluids be provided as desired and tolerated; providing for forms in effect prior to effective date of this bill are not affected by these amendments; and providing for effective date.

Referred to the Committee on Health and Human Resources.

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

Senate Bill 552—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending

June 30, 2021, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2021, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Maynard:

Senate Bill 553—A Bill to amend and reenact §5B-1A-9 of the Code of West Virginia, 1931, as amended, relating to removing the liability of railroad companies who give land to nonprofits or state or local entities for the purpose of developing that land for tourism, rail-to-trail programs, campgrounds, or parks.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 554—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, §11-29-3, §11-29-4, and §11-29-5, all relating to creating the West Virginia Motorsports Entertainment Complex Investment Act; providing legislative findings; giving definitions; creating a tax exemption; and providing for an effective date.

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

By Senators Stover, Caputo, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Phillips, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Unger, Weld, Woelfel, and Woodrum:

Senate Bill 555—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-13A-1, §4-13A-2, §4-13A-3, §4-13A-4, §4-13A-5, §4-13A-6, and §4-13A-7, all relating to creating the West Virginia Semi-quincentennial Commission and fund to support the celebration of the 250th anniversary of our nation's founding.

Referred to the Committee on Government Organization.

By Senators Stover, Caputo, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Phillips, Romano, Smith, Swope, Sypolt, Unger, Weld, Woelfel, and Woodrum:

Senate Bill 556—A Bill to amend and reenact §29-1-5 of the Code of West Virginia, 1931, as amended, relating to the Archives and History Commission; removing ex officio voting members; and updating formatting.

Referred to the Committee on Government Organization.

By Senators Stover, Caputo, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Phillips, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Unger, Weld, Woelfel, and Woodrum:

Senate Bill 557—A Bill to amend and reenact §29-1-3 of the Code of West Virginia, 1931, as amended, relating to the Commission on the Arts; adding the Curator of the West Virginia Division of Arts, Culture and History as an ex officio voting member of the commission; and making other technical updates.

Referred to the Committee on Government Organization.

By Senator Karnes:

Senate Bill 558—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-9b; 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 §11B-2-33, all relating to prohibiting discriminatory “divisive acts” in the workplace and adding to the definition of the Human Rights Act; prohibiting the teaching of “divisive acts” in West Virginia schools; and prohibiting state funding to agencies who promote “divisive acts”.

Referred to the Committee on the Judiciary.

Senator Weld offered the following resolution:

Senate Resolution 11—Designating March 4, 2021, as Sexual Assault Awareness Day in West Virginia.

Whereas, All people have a right to be safe in their home, school, workplace, college campus, and community; and

Whereas, Sexual Assault Awareness Day draws attention to the fact that sexual violence is widespread and has implications for every community member; and

Whereas, One in six women and one in 22 men in West Virginia will be victims of an attempted or completed forcible rape; and

Whereas, Forcible rape is the top reason for incarceration in the state adult correctional facilities, costing the taxpayers over \$42 million to incarcerate inmates for sex-related crimes in Division of Corrections and Rehabilitation’s adult prison facilities for a single year; and

Whereas, Sexual violence can be reduced and prevented; and

Whereas, The West Virginia Foundation for Rape Information and Services and the state’s rape crisis centers have been working for 39 years, individually and collaboratively, to provide quality services and systemic change to give West Virginia residents of all ages the opportunity to live in communities and homes free from violence and fear; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 4, 2021, as Sexual Assault Awareness Day in West Virginia; and, be it

Further Resolved, That the Senate is committed to treating this problem with the seriousness that it deserves and working to achieve solutions that deter, prevent, and reduce sexual violence; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Foundation for Rape and Information Services.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 11, Darrell Chester Stone, Jr., 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 10, Recognizing WV Children's Home Society.

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 102, Allowing disabled veterans and purple heart recipients park free at paid parking of state or its political subdivisions.

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

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 102) passed with its title.

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

Eng. Com. Sub. for Senate Bill 356, Allowing for written part of drivers' exam given in high school drivers' education course.

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

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 356) passed with its title.

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

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

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

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

Eng. Com. Sub. for Senate Bill 387, Relating to drug screening of applicants for cash assistance.

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

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 387 pass?”

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—24.

The nays were: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Romano, Stollings, and Unger—9.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 387) 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 263, Permitting online raffles to benefit charitable and public service organizations.

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

Com. Sub. for Senate Bill 332, Providing procedure for WV to select delegates to Article V Convention.

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

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

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

The Senate proceeded to the tenth order of business.

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 381, Creating nonresident three-day fishing license.

Com. Sub. for Senate Bill 434, Requiring training for law-enforcement officers responsible for investigating crimes of sexual assault.

Senate Bill 463, Consolidating position of Inspector General of former Workers' Compensation Fraud and Abuse Unit and position of Director of Insurance Fraud Unit.

Senate Bill 501, Continuing and indexing of license and stamp fees.

And,

Senate Bill 537, Relating generally to kidnapping.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Takubo, Azinger, Romano, Woelfel, Caputo, and Maynard.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Azinger were ordered printed in the Appendix to the Journal.

At the request of Senator Lindsay, unanimous consent being granted, the remarks by Senators Romano, Woelfel, and Caputo were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Senator Sypolt called attention to today being the birthday of the senator from Tucker and on behalf of the Senate extended felicitations and good wishes to Senator Smith, with Senator Sypolt leading the members in singing "Happy Birthday".

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on March 2, 2021:

Senate Bill 353: Senator Plymale.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on March 2, 2021:

Senate Bill 3: Senator Azinger;

Senate Bill 8: Senator Azinger;

Senate Bill 28: Senator Azinger;

Senate Bill 54: Senator Azinger;

Senate Bill 74: Senator Azinger;

Senate Bill 87: Senator Azinger;
Senate Bill 90: Senator Azinger;
Senate Bill 246: Senator Azinger;
Senate Bill 268: Senator Azinger;
Senate Bill 278: Senator Azinger;
Senate Bill 279: Senator Azinger;
Senate Bill 284: Senator Azinger;
Com. Sub. for Senate Bill 294: Senator Hamilton;
Senate Bill 305: Senators Nelson, Rucker, and Plymale;
Senate Bill 329: Senator Martin;
Senate Bill 333: Senator Azinger;
Senate Bill 337: Senator Azinger;
Senate Bill 341: Senator Martin;
Senate Bill 343: Senator Jeffries;
Senate Bill 349: Senator Rucker;
Senate Bill 352: Senator Martin;
Senate Bill 369: Senator Martin;
Senate Bill 376: Senator Jeffries;
Senate Bill 394: Senator Maroney;
Senate Bill 404: Senators Jeffries and Hamilton;
Senate Bill 421: Senator Woodrum;
Senate Bill 429: Senator Woodrum;
Senate Bill 434: Senator Lindsay;
Senate Bill 435: Senator Karnes;
Senate Bill 439: Senator Rucker;
Senate Bill 469: Senators Rucker and Woodrum;

Senate Bill 504: Senator Azinger;

Senate Bill 506: Senator Woelfel;

Senate Bill 515: Senators Caputo, Phillips, and Martin;

Senate Bill 516: Senator Stollings;

Senate Bill 517: Senator Roberts;

Senate Bill 520: Senators Woodrum, Plymale, Caputo, and Stollings;

Senate Bill 528: Senators Plymale and Roberts;

Senate Bill 534: Senator Plymale;

Senate Bill 535: Senator Stollings;

Senate Joint Resolution 10: Senator Karnes;

Senate Joint Resolution 11: Senators Rucker and Baldwin;

Senate Concurrent Resolution 8: Senator Maynard;

Senate Concurrent Resolution 9: Senator Maynard;

And,

Senate Resolution 10: Senators Hamilton, Roberts, Beach, Baldwin, Stollings, and Phillips.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 12:14 p.m., the Senate adjourned until tomorrow, Thursday, March 4, 2021, at 11 a.m.

SENATE CALENDAR

**Thursday, March 04, 2021
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 8 - Fire Chief Kenneth Junior Russell Memorial Bridge
- S. C. R. 9 - Haynie Family Veterans Memorial Bridge
- S. R. 11 - Designating Sexual Assault Awareness Day in WV

THIRD READING

- Eng. Com. Sub. for S. B. 263 - Permitting online raffles to benefit charitable and public service organizations
- Eng. Com. Sub. for S. B. 332 - Providing procedure for WV to select delegates to Article V Convention
- Eng. Com. Sub. for S. B. 345 - Expanding alcohol test and lock program to include offenders with drug-related offense (original similar to HB2741)

SECOND READING

- S. B. 381 - Creating nonresident three-day fishing license
- Com. Sub. for S. B. 434 - Requiring training for law-enforcement officers responsible for investigating crimes of sexual assault
- S. B. 463 - Consolidating position of Inspector General of former Workers' Compensation Fraud and Abuse Unit and position of Director of Insurance Fraud Unit
- S. B. 501 - Continuing and indexing of license and stamp fees
- S. B. 537 - Relating generally to kidnapping

FIRST READING

- Com. Sub. for Com. Sub. for S. B. 294 - Relating generally to savings and investment programs offered by state
- S. B. 305 - Providing exemption from consumers sales and service tax for certain aircraft maintenance
- Com. Sub. for S. B. 343 - Authorizing DMV to process online driver's license or identification card change of address
- Com. Sub. for S. B. 375 - Relating to county boards of education policies for open enrollment
- S. B. 376 - Removing obsolete provisions regarding DOH standards for studded tires and chains (original similar to HB2668)

- S. B. 390 - Reorganizing Health Care Authority under DHHR and clarifying responsibilities for all-payer claims database
- S. B. 397 - Relating to health care provider tax
- S. B. 404 - Modifying well work permits issued by DEP Office of Oil and Gas
- Com. Sub. for S. B. 421 - Authorizing Workforce West Virginia to hire at-will employees
- Com. Sub. for S. B. 429 - Exempting Division of Emergency Management from Purchasing Division requirements for certain contracts (original similar to HB2745)
- Com. Sub. for S. B. 435 - Requiring county superintendents to authorize certain school principals or administrators at nonpublic schools to issue work permits for enrolled students
- Com. Sub. for S. B. 439 - Allowing use or nonuse of safety belt as admissible evidence in civil actions (original similar to HB2809)
- Com. Sub. for S. B. 469 - Permitting and establishing requirements for appearance by video for purpose of notarial acts

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2021

Thursday, March 4, 2021

9 a.m.	Rules	(Room 219M)
9:30 a.m.	Finance	(Room 451M)