

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE
REGULAR SESSION, 2020
FIFTY-THIRD DAY

Charleston, West Virginia, Saturday, February 29, 2020

The Senate met at 9:26 a.m.

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

Prayer was offered by the Honorable Stephen Baldwin, a senator from the tenth district.

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 Friday, February 28, 2020,

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

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

The Senate then proceeded to the third order of business.

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

Eng. Senate Bill 202, Allowing one member of PSD board to be county commissioner.

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 amendment, as to

Eng. Com. Sub. for Senate Bill 240, Requiring hotels and restaurants secure manhole covers of certain grease traps.

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

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 6. HOTELS AND RESTAURANTS.**§16-6-22b. Hotels and restaurants to secure covers of grease traps.**

(a) This section applies to hotels and restaurants that use grease traps that are outdoors or are in areas that are accessible to members of the general public.

(b)(1) Grease traps with manhole covers shall be designed to withstand expected loads and prevent access by children.

(A) The manhole cover shall be secured by a bolt or locking mechanism and be constructed of round cast iron or similar construction with sufficient weight to prevent unauthorized access.

(B) The commissioner may specify either method of limiting access to the manhole, if the method conforms to paragraph (A) of this subdivision and prevents unauthorized access.

(2) A hotel or restaurant shall ensure that a grease trap manhole is closed and secured or locked, if applicable, at all times.

(c) The secretary shall propose emergency rules for promulgation in accordance with §29A-3-1 *et seq.* of this code for the implementation and administration of this section.

(d) All hotels and restaurants using grease traps shall comply with subsection (b) of this section no later than October 1, 2020.

§16-6-23. Offenses.

Any person, firm, or corporation ~~who shall operate~~ operating a hotel or a restaurant in this state, or who shall let a building to be used for such purposes, without first having complied with the provisions of this article, ~~shall be~~ is guilty of a misdemeanor and, upon conviction thereof, shall be fined ~~five dollars~~ \$50 for each day ~~such~~ the failure to comply ~~shall continue~~ continues.

On motion of Senator Takubo, the following amendment to the House of Delegates amendment to the bill (Eng. Com. Sub. for S. B. 240) 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 240—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-6-22b; and to amend and reenact §16-6-23 of said code, all relating to requiring hotels and restaurants to secure manhole covers of certain grease traps by a certain date; providing methods for securing the manhole covers; authorizing the commissioner to specify the method of limiting access to the manhole; authorizing the promulgation of emergency rules; and increasing the civil penalty for noncompliance with the requirements of the article.

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

Engrossed Committee Substitute for Senate Bill 240, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Mann, Maroney, Palumbo, Smith, and Woelfel—5.

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. 240) 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 amendment by that body to the title of the bill, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 241, Requiring State Board of Education develop method for student transportation costs as stand-alone consideration.

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

The following House of Delegates amendment to the title of the bill was reported by the Clerk:

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

Eng. Com. Sub. for Senate Bill 241—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-7a, relating to requiring State Board of Education to propose revisions to calculation of allowance for service personnel to provide additional positions to meet student transportation needs of certain lower population density districts; and requiring a report to the Legislature.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Committee Substitute for Senate Bill 241, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Mann, Maroney, Palumbo, Smith, and Woelfel—5.

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. 241) passed with its House of Delegates amended title.

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

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

Eng. Senate Bill 281, Removing residency requirement for persons applying for reappointment to municipal police dept.

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

Eng. Senate Bill 523, Extending deadline for municipalities to offer Social Security coverage to certain municipal retirement system members.

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 one, section twenty-eight, lines eleven through thirteen, by striking out all of subsection (b) and inserting in lieu thereof a new subsection, designated subsection (b), to read as follows:

(b) On or before October 1, 2015, ~~the 2024~~, all participating employers shall ~~jointly~~ submit a plan to the State Auditor, ~~pursuant to §5-7-5 of this code,~~ as the designated state agency under the Social Security Act, to extend Social Security benefits to members of the retirement system as authorized by §5-7-5 and applicable federal laws. The State Auditor shall assist the participating employers in complying with the requirements for providing extension of Social Security benefits to members of the retirement system.;

And,

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

Eng. Senate Bill 523—A Bill to amend and reenact §8-22A-28 of the Code of West Virginia, 1931, as amended, relating to participation in Social Security by certain municipalities; extending the deadline for opting to extend Social Security coverage; and requiring State Auditor's office to assist municipalities in complying with certain requirements.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 523, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Mann, Maroney, Palumbo, Smith, and Woelfel—5.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 523) passed with its House of Delegates amended title.

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

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

Eng. Com. Sub. for Senate Bill 534, Removing workers' compensation exclusion for temporary legislative employees.

A message from the Clerk of the House of Delegates announced the passage by that body, without amendment, to take effect from passage, and requested the concurrence of the Senate in the changed effective date, as to

Eng. Senate Bill 552, Requiring contracts of \$25,000 or more be competitively bid.

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

On further motion of Senator Takubo, the Senate concurred in the changed effective date of the bill, that being to take effect from passage, instead of ninety days from passage.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Mann, Maroney, Palumbo, Smith, and Woelfel—5.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 552) takes effect from passage.

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

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

Eng. Com. Sub. for Senate Bill 571, Expiring funds from State Excess Lottery Revenue Fund to various accounts.

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 two, item 27, line eighteen, by striking out "2" and inserting in lieu thereof "3";

On page two, item 27, line nineteen, by striking out the following:

“4 Public Defender Corporations – SurplusXXXXX 300,000”;

On page two, item 27, line twenty, by striking out “5” and inserting in lieu thereof “6”;

And,

On page two, item 27, line twenty, by striking out “19,492,998” and inserting in lieu thereof “19,792,998”.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 571, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Mann, Maroney, Palumbo, Smith, and Woelfel—5.

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. 571) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Mann, Maroney, Palumbo, Smith, and Woelfel—5.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 571) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the passage by that body, without amendment, to take effect from passage, and requested the concurrence of the Senate in the changed effective date, as to

Eng. Senate Bill 652, Authorizing School Building Authority promulgate legislative rules.

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

On further motion of Senator Takubo, the Senate concurred in the changed effective date of the bill, that being to take effect from passage, instead of ninety days from passage.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Mann, Maroney, Palumbo, Smith, and Woelfel—5.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 652) takes effect from passage.

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 passage, to take effect from passage, of

Eng. Senate Bill 703, Increasing earning limit for employees who accept separation incentive.

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

Eng. Senate Bill 712, Correcting name of Forensic Analysis Laboratory.

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

Eng. Senate Bill 725, Supplemental appropriation to various Department of Education accounts.

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

Eng. Senate Bill 778, Supplemental appropriation expiring funds from State Excess Lottery Revenue Fund to DHHR.

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

Eng. Senate Bill 779, Supplemental appropriation expiring funds in State Excess Lottery Revenue to Department of Veterans' Assistance.

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

Eng. Senate Bill 780, Supplemental appropriation by decreasing and adding new appropriation out of Treasury to DMAPS.

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. Senate Bill 781, Relating to reports regarding collaborative agreements between community and technical colleges and federally registered apprenticeship programs.

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 one, section sixteen, line twelve after the word “programs,” by striking out the word “and”;

And,

On page one, section sixteen, line thirteen, after the word “programs” by inserting the words “and if available information on the number of students employed, and the average hours they worked in a relevant field, during such apprenticeship programs”.

On motion of Senator Rucker, the following amendment to the House of Delegates amendments to the bill (Eng. S. B. 781) was reported by the Clerk:

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

Eng. Senate Bill 781—A Bill to amend and reenact §18B-3C-16 of the Code of West Virginia, 1931, as amended, relating to modifying information required to be included in report to the Legislature and the Governor regarding the collaborative agreements between community and technical colleges and federally registered apprenticeship programs.

Following discussion,

The question being on the adoption of Senator Rucker’s amendment to the House of Delegates amendments to the bill, the same was put and prevailed.

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

Engrossed Senate Bill 781, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Mann, Maroney, Palumbo, Smith, and Woelfel—5.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 781) 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 amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill 2338, Allowing the owner of an antique military vehicle to display alternate registration insignia.

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

Eng. House Bill 4477, West Virginia Mutual to Mutual Insurance Holding Company Act.

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

Senate Bill 854 (originating in the Committee on Finance)—A Bill expiring funds to the balance of the Department of Arts, Culture and History, Division of Culture and History, Public Records and Preservation Revenue Account Fund, fund 3542, fiscal year 2020, organization 0432, in the amount of \$105,000, all from the Auditor's Office – Purchasing Card Administration Fund, fund 1234, fiscal year 2020, organization 1200, by supplementing and amending chapter 31, Acts of the Legislature, 2019, known as the Budget Bill.

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

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 855 (originating in the Committee on Finance)—A Bill expiring funds to the balance of the Department of Transportation, State Rail Authority, West Virginia Commuter Rail Access Fund, fund 8402, fiscal year 2020, organization 0804 in the amount of \$750,000, all from the Auditor's Office – Purchasing Card Administration Fund, fund 1234, fiscal year 2020, organization 1200, by supplementing and amending chapter 31, Acts of the Legislature, 2019, known as the Budget Bill.

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

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on Finance has had under consideration

Eng. House Bill 4409, Relating to transferring remaining funds from the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund.

And has amended same.

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

Respectfully submitted,

Craig Blair,
Chair.

The Senate proceeded to the sixth order of business.

Senators Boley, Rucker, Cline, Carmichael (Mr. President), Azinger, Baldwin, Beach, Blair, Clements, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Woelfel offered the following resolution:

Senate Resolution 60—Memorializing the life of Katherine Johnson, West Virginia native, NASA mathematician, and Presidential Medal of Freedom recipient.

Whereas, Katherine Johnson was born August 26, 1918, in White Sulphur Springs, Greenbrier County, West Virginia, the daughter of Joshua and Joylette Coleman; and

Whereas, By the age of 13, Katherine Johnson was attending the high school on the campus of the historically African-American West Virginia State College. At 18, she enrolled in the college itself, where she made quick work of the school's math curriculum and found a mentor in math, professor W. W. Schieffelin Claytor, the third African-American to earn a PhD in Mathematics. She graduated summa cum laude in 1937, with degrees in Mathematics and French, at age 18; and

Whereas, Katherine Johnson was the first African-American woman to attend graduate school at West Virginia University in Morgantown, West Virginia; and

Whereas, In 1953, Katherine Johnson was hired by the National Advisory Committee for Aeronautics, as a mathematician, and continued to work for the organization which became the National Aeronautics and Space Administration (NASA) in 1958; and

Whereas, Katherine Johnson, from 1958 until her retirement in 1986, worked as an aerospace technologist, moving during her career to the Spacecraft Controls Branch; and

Whereas, During her extraordinary career at NASA, Katherine Johnson accomplished many amazing feats, such as: Calculating the trajectory for the May 5, 1961, space flight of Alan Shepard, the first American in space, and the launch window for his 1961 Mercury mission; she plotted back-up navigational charts for astronauts in case of electronic failures; when NASA used electronic computers for the first time to calculate John Glenn's orbit around Earth, officials called on Katherine Johnson to verify the computer's numbers (John Glenn had asked for her specifically and had refused to fly unless Katherine Johnson verified the calculations); and Katherine Johnson also helped to calculate the trajectory for the 1969 Apollo 11 flight to the moon; and

Whereas, In 1970, Katherine Johnson worked on the Apollo 13 moon mission. When the mission was aborted, her work on back-up procedures and charts helped set a safe path for the crew's return to Earth, creating a one-star observation system that would allow astronauts to determine their location with accuracy; and

Whereas, Katherine Johnson's life served as the basis for a nonfiction book, titled, Hidden Figures: The American Dream and the Untold Story of the Black Women Mathematicians Who Helped Win the Space Race, which inspired the award-winning motion picture; and

Whereas, In 2015, cited as a pioneering example of African-American women in STEM, President Barack Obama presented Katherine Johnson with the Presidential Medal of Freedom, the highest civilian award of the United States; and

Whereas, Sadly, Katherine Johnson passed away on February 24, 2020, at the age of 101, leaving behind a grateful state and nation; and

Whereas, It is fitting that the West Virginia Senate honor the life of Katherine Johnson for her career as a pioneer in space science and computing, and for her dedicated public service; therefore, be it

Resolved by the Senate:

That the Senate hereby memorializes the life of Katherine Johnson, West Virginia native, NASA mathematician, and Presidential Medal of Freedom recipient; and, be it

Further Resolved, That the Senate extends its deepest sympathies to the family of Katherine Johnson on her passing; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the family of Katherine Johnson.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 55, Requesting study on benefits of wage transparency.

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

The Senate proceeded to the eighth order of business.

Com. Sub. for Senate Bill 150, Budget Bill.

On third reading, coming up in regular order, with the right having been granted on yesterday, Friday, February 28, 2020, for amendments to be received on third reading, was reported by the Clerk.

On motion of Senator Blair, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page eleven, item 4, line six, by striking out "892,600" and inserting in lieu thereof "1,267,600";

On page thirty-six, item 47, line thirty-one, by striking out "400,000" and inserting in lieu thereof "3,400,000";

And,

One page fifty, item 63, line eleven, by striking out "98,541,736" and inserting in lieu thereof "108,541,736".

Following discussion,

The question being on the adoption of Senator Blair's amendments to the bill, the same was put and prevailed.

On motion of Senator Blair, the following amendments to the bill (Com. Sub. for S. B. 150) were next reported by the Clerk, considered simultaneously, and adopted:

On page twenty, item 18, lines thirteen and fourteen by striking out the words "and the secretary of Military Affairs and Public Safety";

On page thirty-six, item 47, line twenty-three, by striking out "Hi-Y";

On page eighty-eight, item 141, after line eight by inserting the following:

"From the above appropriations, the Adjutant General may receive and expend funds to conduct operations and activities to include functions of the Military Authority. The Adjutant General may transfer funds between appropriations, except no funds may be transferred to Personal Services and Employee Benefits (fund 6057, appropriation 00100).";

On page one hundred eighteen, item 222, by striking out lines two through five;

And,

On page one hundred sixty-seven, after item 328 by inserting the following:

*329- Adjutant General –**State Militia*

(WV Code Chapter 15)

Fund 8726 FY 2021 Org 0603

1	Unclassified	09900	\$	982,705
2	Mountaineer ChalleNGe Academy	70900		7,200,000
3	Martinsburg Starbase	74200		439,622
4	Charleston Starbase	74300		424,685
5	Military Authority	74800		<u>91,380,274</u>
6	Total		\$	100,427,286

7 The Adjutant General shall have the authority to transfer between appropriations.

*330 - Adjutant General –**West Virginia National Guard Counterdrug Forfeiture Fund*

(WV Code Chapter 15)

Fund 8785 FY 2021 Org 0603

1	Personal Services and Employee Benefits	00100	\$	1,350,000
2	Current Expenses	13000		150,000
3	Repairs and Alterations	06400		50,000
4	Buildings	25800		100,000
5	Land	73000		50,000
6	Other Assets	69000		100,000
7	Equipment	07000		<u>200,000</u>
8	Total		\$	2,000,000;

By renumbering all remaining items;

On page one hundred seventy-two, item 340, line three, by striking out "212,367,820" and inserting in lieu thereof "222,367,820";

On pages one hundred seventy-seven and one hundred seventy-eight, by striking out items 355 and 356;

And,

By renumbering all remaining items.

On motions of Senators Woelfel, Baldwin, Azinger, Boley, Beach, Blair, Carmichael (Mr. President), Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, and Weld, the following amendments to the bill (Com. Sub. for S. B. 150) were next reported by the Clerk and considered simultaneously:

On page forty-six, item 59, line twenty, by striking out "125,000" and inserting in lieu thereof "250,000";

And,

On page forty-six, item 59, line twenty-nine, by striking out "75,928,981" and inserting in lieu thereof "76,053,981".

Following discussion,

The question being on the adoption of the amendments offered by Senators Woelfel, et al., to the bill, the same was put and prevailed.

On motions of Senators Stollings and Takubo, the following amendments to the bill (Com. Sub. for S. B. 150) were next reported by the Clerk and considered simultaneously:

On pages thirteen and fourteen, item 7, lines one through fifteen, by striking out all of item 7 and inserting in lieu thereof the following:

7 - Governor's Office –

Civil Contingent Fund

(WV Code Chapter 5)

Fund 0105 FY 2021 Org 0100

Milton Flood Wall (R).....	75701	\$	12,000,000
Public Health Emergency Response Fund	XXXXX	\$	2,000,000

Any unexpended balances remaining in the appropriations for Business and Economic Development Stimulus – Surplus (fund 0105, appropriation 08400), Civil Contingent Fund – Total (fund 0105, appropriation 11400), 2012 Natural Disasters – Surplus (fund 0105, appropriation 13500), Civil Contingent Fund – Total – Surplus (fund 0105, appropriation 23800), Civil Contingent Fund – Surplus (fund 0105, appropriation 26300), Business and Economic Development Stimulus (fund 0105, appropriation 58600), Civil Contingent Fund (fund 0105, appropriation 61400), Milton Flood Wall (fund 0105, appropriation 75701), and Natural Disasters

– Surplus (fund 0105, appropriation 76400) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

From this fund there may be expended, at the discretion of the Governor, an amount not to exceed \$1,000 as West Virginia's contribution to the interstate oil compact commission.

The above fund is intended to provide contingency funding for accidental, unanticipated, emergency or unplanned events which may occur during the fiscal year and is not to be expended for the normal day-to-day operations of the Governor's Office.;

And,

On page fifty, item 63, line five, by striking out "279,564,923" and inserting in lieu thereof "277,564,923".

Following discussion,

The question being on the adoption of the amendments offered by Senators Stollings and Takubo to the bill, the same was put and prevailed.

There being no further amendments offered,

The bill, as just amended, was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 150 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 150 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, and Carmichael (Mr. President)—28.

The nays were: Tarr—1.

Absent: Mann, Maroney, Palumbo, Smith, and Woelfel—5.

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. 150) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, and Carmichael (Mr. President)—28.

The nays were: Tarr—1.

Absent: Mann, Maroney, Palumbo, Smith, and Woelfel—5.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 150) takes effect from passage.

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

At the request of Senator Lindsay, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

At the request of Senator Blair, and by unanimous consent, Senator Blair addressed the Senate regarding the preparation of an updated budget power point presentation reflecting the amendments adopted in earlier proceedings today for Engrossed Committee Substitute for Senate Bill 150 (*Budget Bill*).

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. Com. Sub. for House Bill 2149, Relating to the Farm-To-Food Bank Tax Credit.

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, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Mann, Maroney, Palumbo, Smith, and Woelfel—5.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2149) passed with its title.

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

Eng. Com. Sub. for House Bill 4090, Creating the Oil and Gas Abandoned Well Plugging Fund.

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 laid over one day, retaining its place on the calendar.

Eng. House Bill 4146, Relating to credit for reinsurance.

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 laid over one day, retaining its place on the calendar.

Eng. House Bill 4437, Relating to the West Virginia Pay Card program.

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, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Mann, Maroney, Palumbo, Smith, and Woelfel—5.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4437) passed with its title.

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

Eng. House Bill 4466, Certificates of Insurance Act.

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 laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 4513, Increasing the replacement costs required of a person causing injury or death of game or protected species.

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, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Mann, Maroney, Palumbo, Smith, and Woelfel—5.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4513) passed with its title.

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

Eng. House Bill 4582, Declaring certain claims against agencies of the state to be moral obligations of the state.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Pitsenbarger,

Plymale, Prezioso, Roberts, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Mann, Maroney, Palumbo, Smith, and Woelfel—5.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4582) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Mann, Maroney, Palumbo, Smith, and Woelfel—5.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4582) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Senate Bill 852, Supplemental appropriation of public moneys from Treasury to Department of Education, School Building Fund.

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

Senate Bill 853, Supplemental appropriation of public moneys from Treasury to Department of Education, School Building Authority.

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

Eng. Com. Sub. for House Bill 3127, Relating to the Secondary School Activities Commission and participation by home schooled students.

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

Eng. Com. Sub. for House Bill 4083, Requiring the West Virginia Parkways Authority to accept the use of credit and debit cards for paying tolls.

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.

Eng. Com. Sub. for House Bill 4217, Authorizing the Department of Environmental Protection to promulgate legislative rules.

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.

Eng. House Bill 4365, Granting of college credit hours for learning English as a second language.

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

Eng. House Bill 4412, Relating to education benefits to members of the West Virginia Army National Guard and West Virginia Air National Guard.

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

Eng. Com. Sub. for House Bill 4438, Relating to the licensing of advance deposit wagering.

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

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 23. HORSE AND DOG RACING.

§19-23-12e. Licensing of advance deposit account wagering.

(a) As used in this section:

“Account” means an advance deposit wagering (ADW) account owned by an account holder and managed by an ADW licensee that the Racing Commission has determined will maintain a specific identifiable record of account deposits, wagers, credits, debits, and withdrawals, and protect the account holder’s confidential information.

“Account holder” means a resident individual, at least 18 years of age who applies for and successfully opens an account with an ADW licensee.

“Advance deposit account wagering” means a method of pari-mutuel wagering that is permissible under the Interstate Horseracing Act, 15 U.S.C. §3001 *et seq.*, in which an individual may establish an account with a person or entity, licensed by the Racing Commission, to place pari-mutuel wagers on horse or greyhound racing with the ADW licensee via electronic media or by telephone, but not including account wagering conducted through a licensee under §19-23-

9(a) of this code, and the Racing Commission's rules thereunder with respect to wagering conducted pursuant to Racing Commission Rule §178-5-5.

"Advance deposit account wagering licensee" means an entity licensed by the Racing Commission to conduct advance deposit account wagering that accepts deposits and wagers, issues a receipt or other confirmation to the account holder evidencing the deposits and wagers, and transfers credits and debits to and from an account.

"ADW" means advance deposit account wagering.

"Confidential information" means: (A) The amount of money credited to, debited from, withdrawn from, or present in an account; (B) the amount of money wagered by an account holder on any race or series of races, or the identities of racing associations on which the account holder is wagering or has wagered; (C) the account number and secure personal identification information of an account holder; and (D) unless authorized by the account holder, the name, address, or other information that would identify the account holder to any person or entity other than the Racing Commission or the ADW licensee that manages the account.

"Electronic media" means any electronic communication device or combination of devices, including, but not limited to, personal computers, the Internet, private networks, interactive televisions, and wireless communication technologies or other technologies approved by the Racing Commission.

"Licensee" means any racing association holding a license as defined by §19-23-3 of this code;

"Located" means, in regard to a resident account holder, where his or her principal residence is located.

"Principal residence" means the street address identified by a resident account holder as that individual's residential address, as the address may be verified by the ADW licensee to the satisfaction of the Racing Commission.

"Resident" is an individual who: (A) Is domiciled in West Virginia; (B) maintains a place of abode and spends at least 183 days within a calendar year in West Virginia; or (C) lists an address in West Virginia as his or her principal residence when opening an account.

"Source market fee" means a fee paid by the ADW licensee which may be mutually agreed upon and set forth in an agreement between the ADW licensee and each individual racetrack licensed in this state who desires to offer ADW. A fully executed agreement shall be submitted to the Racing Commission. The Racing Commission is prohibited from disclosure of any information in the agreement. The information in the agreement shall remain confidential and shall not form part of any public record and is exempt from disclosure under the provisions of chapter 29B of this code. Such information may be publicly disclosed only for the purposes of an official law enforcement investigation, or when its production is required in a court proceeding. In the absence of such an agreement, if an ADW licensee offers ADW at a racetrack licensed in this state, the source market fee shall be four percent of the total amount wagered through the ADW licensee by residents under this section, excluding refunds and cancellations, payable on a monthly basis to the Racing Commission and distributed as set forth in subsection (b) of this section.

“Total handle” means the total annual dollar sales amount of all pari-mutuel wagering on horse and greyhound races conducted at, or generated from, imports or exports of simulcast horse and greyhound races to or from a licensee, including all moneys from wagering conducted under §19-23-9, §19-23-12a, §19-23-12b, and §19-23-12c of this code, but excluding refunds, cancellations, and advance deposit account wagering under this section.

(b) The source market fee shall be paid by the ADW licensee on a monthly basis to the Racing Commission and distributed as provided in this subsection. The Racing Commission shall prorate all source market fees derived from wagers of account holders between the licensees by dividing each licensee’s total handle by the total handle of all West Virginia licensees in the prior calendar year, and distribute the prorated amounts as follows:

(1) Ten percent of each horse racing licensee’s prorated amount to the West Virginia Thoroughbred Development Fund or 10 percent of each dog racing licensee’s prorated amount to the West Virginia Racing Commission Special Account-West Virginia Greyhound Breeding Development Fund;

(2) Forty-five percent to the purse fund of each prorated licensee; and

(3) Forty-five percent to each prorated licensee.

(c) The advance deposit account wagers placed by account holders with an ADW licensee licensed by the Racing Commission in accordance with this section are authorized, and the provisions of §61-10-1 *et seq.* of this code relating to gaming do not apply to advance deposit account wagering conducted in accordance with this section.

(d) The Racing Commission is vested with jurisdiction over any person or entity that solicits account holders or offers advance deposit account wagering in West Virginia. Any person or entity that solicits account holders or offers advance deposit account wagering in West Virginia shall be licensed and the Racing Commission may impose a nonrefundable initial and annual renewal licensing application fee not to exceed \$5,000. The Racing Commission may also require any applicant for an initial or renewal ADW license to bear the costs involved in conducting background checks and reviews. If a licensee or an affiliate of a licensee applies for an ADW license under this section, all fees under this subsection shall be deemed paid and an ADW license issued as part of a licensee’s annual licensing, or, if the license application is submitted apart from annual licensing, an ADW license shall be issued at the time the application is submitted.

(e) A person or entity may not conduct advance deposit account wagering in West Virginia unless the person or entity has applied for and been granted an ADW license by the Racing Commission. The Racing Commission shall also ensure that, except for advance deposit account wagering authorized under this section, all pari-mutuel wagering on racing is conducted within the confines of a licensee’s racetrack or licensed contiguous hotel, as permitted under §19-23-9(a) and §19-23-12a(1) of this code and implementing rules thereunder, including Racing Commission Rule §178-5-5, or within an authorized gaming facility in a historic resort hotel, as permitted under §19-23-12d of this code and implementing rules thereunder.

(f) Any person who is not licensed as an advance deposit account wagering licensee by the Racing Commission who accepts an advance deposit account wager from a resident is guilty of a felony and, upon conviction thereof, shall be fined not more than \$50,000 or imprisoned in a state correctional facility not more than five years, or both fined and imprisoned. Further, the court

shall order any convicted person to pay restitution to recover all amounts that would have been payable to the Racing Commission under this section.

(g) The Racing Commission may seek injunctive relief against any person who is not licensed as an advance deposit account wagering licensee by the Racing Commission who accepts or attempts to accept an advance deposit account wager from a resident. The Racing Commission may also seek recovery of all amounts that would have been payable to the Racing Commission under this section, damages equal to three times the amount of recovery, and reasonable costs and attorney fees. Damages recovered by the Racing Commission shall be distributed as source market fees under this section.

(h) There is hereby assessed a regulatory fee paid by the ADW licensee, which shall be one-half percent of the total amount wagered through the ADW licensee by residents under this section, excluding refunds and cancellations, payable on a monthly basis to the Racing Commission for deposit into the Racing Commission's general administrative account.

(i) There is further assessed an additional fee paid by the ADW licensee, which shall be one and one-half percent of the total amount wagered through the ADW licensee by residents under this section, excluding refunds and cancellations, payable on a monthly basis to the Racing Commission for deposit into a special revenue account in the State Treasury to be known as the "Advance Deposit Wagering Account" to be expended pursuant to appropriation of the Legislature.

(j) Advance deposit account wagers placed by residents are considered to be wagering conducted in this state and subject to the laws of this state and the rules of the Racing Commission.

(k) The Racing Commission shall submit a report by December 31, 2020, and annually thereafter to the Joint Committee on Government and Finance detailing the operation of ADW in this state. The report shall include, but is limited to, the following:

(1) The number of racetracks in this state participating in ADW;

(2) The number of privately negotiated source market fee agreements;

(3) The total amount of funds paid to the Racing Commission pursuant to subsection (h) of this section;

(4) The total amount deposited in the preceding 12-month period in the special revenue account set forth in subsection (i) of this section;

(5) The amounts distributed as set forth in subdivision (b) of this section;

(6) A complete list of ADW licensees offering ADW services in this state;

(7) Beginning with the report due December 31, 2021, a statistical comparison of ADW services to the preceding year; and

(8) The total amount of wagering in this state directly attributable to ADW.

(l) The Racing Commission may propose legislative rules for promulgation, pursuant to §29A-3-1 et seq. of this code, to implement this section and may propose emergency rules to provide conditions for the licensing of advance deposit account wagering. Those rules may include, but are not limited to: (1) standards, qualifications, and procedures for the issuance of an advance deposit account wagering license in West Virginia; (2) rules establishing initial and renewal license fees and payment of same to the Racing Commission to cover the costs of licensing ADW licensees; (3) provisions regarding the collection and distribution of those fees; (4) provisions regarding access to books and records and submission to investigations and audits by the Racing Commission; (5) standards and procedures for opening, maintaining, operating, and securing ADW accounts, as well as protecting confidential information therein; and (6) any other conditions to ensure an orderly process of accepting ADW wagers in acting in the best interests of the West Virginia horse and dog racing industries.

The bill (Eng. Com. Sub. for H. B. 4438), as amended, was then ordered to third reading.

Eng. House Bill 4450, Relating to instruction permits issued by the Division of Motor Vehicles.

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

Eng. Com. Sub. for House Bill 4461, Requiring the Governor to fix the salaries of certain state appointed officers after the office is vacated or after July 1.

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

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

On page three, section two-a, line fifty-eight, by striking out all of subsection (e) and inserting in lieu thereof a new subsection, designated subsection (e), to read as follows:

(e) The annual salary of each appointive state officer named in this section shall continue in the amount as set forth in this section from the effective date of the amendments to this section enacted in 2020 until the position held by the officer is vacated. After a vacancy occurs and notwithstanding any other provision of this section to the contrary, the annual salary of each appointed state officer named in this section shall be fixed by the Governor within the current budget allocation. The salary of each appointed state officer named in this section shall be listed in the appointment letter for the position.

The bill (Eng. Com. Sub. for H. B. 4461), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 4464, Relating to driving privileges and requirements for persons under the age of 18.

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

The following amendments to the bill, from the Committee on Transportation and Infrastructure, were reported by the Clerk and considered simultaneously:

On page two, section three-a, line thirty-three, after the word "military" by inserting a comma;

And,

On page six, section three-a, lines one hundred twenty-nine and one hundred thirty, by striking out the words “§17B-2-3a(c)(2) §17B-2-3a(d)(1)(A), §17B-2-3a(d)(1)(B), §17B-2-3a(d)(1)(C) or §17B-2-3a(d)(1)(D) of this code” and inserting in lieu thereof the words “§17B-2-3a(d)(2) of this code”.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the Transportation and Infrastructure committee amendments pending.

Eng. House Bill 4504, Relating to renewal application requirements for individuals with permanent disabilities.

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.

Eng. Com. Sub. for House Bill 4522, Allowing division to accept documents compliant with Real ID Act for proof of identity.

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

The following amendment to the bill, from the Committee on Transportation and Infrastructure, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION, AND RENEWAL.

§17B-2-8. Issuance and contents of licenses; fees.

(a) The division shall, upon payment of the required fee, issue to every applicant qualifying therefor a driver's license, which shall indicate the type or general class or classes of vehicle or vehicles the licensee may operate in accordance with this chapter or chapter 17E of this code, or motorcycle-only license. Each license shall contain a coded number assigned to the licensee, the full legal name, to be displayed in a manner selected by the applicant when supported by appropriate documentation and consistent with federal law, this code, and existing system capabilities of the division, date of birth, residence address, a brief description and a color photograph of the licensee, and either a facsimile of the signature of the licensee or a space upon which the signature of the licensee is written with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed by the licensee.

(b) A driver's license which is valid for operation of a motorcycle shall contain a motorcycle endorsement. A driver's license which is valid for the operation of a commercial motor vehicle shall be issued in accordance with chapter 17E of this code.

(c) The division shall use such process or processes in the issuance of licenses that will, insofar as possible, prevent any identity theft, alteration, counterfeiting, duplication, reproduction, forging or modification of, or the superimposition of a photograph on, the license.

(d) The fee for the issuance of a Class E driver's license is \$5 per year for each year the license is valid. The Division of Motor Vehicles may adjust this fee every five years on September 1, based on the U. S. Department of Labor, Bureau of Labor Statistics most current Consumer Price Index: *Provided*, That an increase in such fee may not exceed 10 percent of the total fee amount in a single year. The fee for issuance of a Class D driver's license is \$6.25 per year for each year the license is valid. An additional fee of 50 cents shall be collected from the applicant at the time of original issuance or each renewal, and the additional fee shall be deposited in the Combined Voter Registration and Driver's Licensing Fund established pursuant to the provisions of §3-2-12 of this code. The additional fee for adding a motorcycle endorsement to a driver's license is \$1 per year for each year the license is issued.

(e) The fee for issuance of a motorcycle-only license is \$2.50 for each year for which the motorcycle license is valid. The fees for the motorcycle endorsement or motorcycle-only license shall be paid into a special fund in the State Treasury known as the Motorcycle Safety Fund as established in §17B-1D-7 of this code.

(f) The fee for the issuance of either the level one or level two graduated driver's license as prescribed in §17B-2-3a of this code is \$5.

(g) The fee for issuance of a federally compliant driver's license or identification card for federal use is \$10 in addition to any other fee required by this chapter. Any fees collected under the provisions of this subsection shall be deposited into the Motor Vehicle Fees Fund established in accordance with §17A-2-21 of this code.

(h) The division may use an address on the face of the license other than the applicant's address of residence if:

(1) The applicant has a physical address or location that is not recognized by the post office for the purpose of receiving mail;

(2) The applicant is enrolled in a state address confidentiality program or the alcohol test and lock program;

(3) The applicant's address is entitled to be suppressed under a state or federal law or suppressed by a court order; or

(4) At the discretion of the commissioner, the applicant's address may be suppressed to provide security for classes of applicants such as law-enforcement officials, protected witnesses, and members of the state and federal judicial systems.

(i) Notwithstanding any provision in this article to the contrary, a valid military identification card with an expiration date issued by the United States Department of Defense for active duty, reserve, or retired military personnel containing a digitized photo and the holder's full legal name may be used to establish current full legal name and legal presence. The commissioner may at his or her discretion expand the use of military identification cards for other uses as permitted under this code or federal rule.

(j) The division may accept any document as proof of identity, residency, and lawful presence that is acceptable under the Real ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 302 (May 11, 2005), 49 U.S.C. §30301 et seq.

The bill (Eng. Com. Sub. for H. B. 4522), as amended, was then ordered to third reading.

Eng. House Bill 4551, Relating to subsidized adoption.

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.

Eng. House Bill 4760, Modifying video lottery retailer licensing eligibility requirements.

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

On motion of Senator Sypolt, the following amendment to the bill was reported by the Clerk:

On page two, section one thousand two hundred and two, line seventeen, after the word "section" by changing the period to a colon and inserting the following proviso: *Provided*, That a fraternal organization for which a private club license to dispense alcoholic liquors, under the provisions of §60-7-1 *et seq.* of this code, or a Class A nonintoxicating beer license, under the provisions of §11-16-1 *et seq.* of this code, which was granted prior to January 1, 2001, and which has remained in continuous operation since January 1, 2001, may, for good cause shown, obtain approval to be exempt from subsections (a) and (c) of this section, upon approval of the Commission.

Following discussion,

The question being on the adoption of Senator Sypolt's amendment to the bill, the same was put and prevailed.

The bill (Eng. H. B. 4760), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 4773, Creating a workgroup to investigate and recommend screening protocols for adverse childhood trauma in this state.

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.

Eng. House Bill 4790, Relating to Career Technical Education for middle school students.

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

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

On page two, section seven-d, line twenty-three, by striking out the words "home economics" and inserting in lieu thereof the words "family and consumer sciences".

The bill (Eng. H. B. 4790), as amended, was then ordered to third reading.

Eng. House Bill 4882, Authorizing limited sampling and limited sale of wine for off-premises consumption to wineries not licensed in the state.

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

Eng. House Bill 4887, Relating to revocation, cancellation, or suspension of business registration certificates.

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

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

On page two, section five-b, lines twenty-two through thirty, by striking out all of subsection (b) and inserting in lieu thereof a new subsection, designated subsection (b), to read as follows:

(b) If an individual or business entity has not filed any tax return or report for a tax or fee administered under the provisions of §11-10-1 et seq. of this code one year after having been issued a business registration certificate, the Tax Commissioner shall send the individual or business entity a letter by certified mail return receipt requested to the address for which the business registration certificate was issued requesting that the individual or business entity explain why no tax return or report was filed. If the individual or business entity fails to respond to the letter, whether the letter was received, claimed, unclaimed or refused, within 60 days after it was deposited in the United States mail, postage paid, the Tax Commissioner may begin the process to revoke the individual's or business entity's business registration certificate.

The bill (Eng. H. B. 4887), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 4925, Requiring the Secondary Schools Athletic Commission to recognize preparatory athletic programs.

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.

Eng. House Bill 4929, Relating to the administrative closing of stale or unprogressed estates.

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

Eng. House Bill 4969, Relating to providing tax credit for the donation or sale of a vehicle to certain charitable organizations.

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:

Eng. House Bill 4022, Clarifying the qualifications of the Chancellor of the Higher Education Policy Commission.

Eng. House Bill 4039, Providing limitations on nuisance actions against fire department and emergency medical services.

Eng. Com. Sub. for House Bill 4077, Increasing the amount of the bond required to be posted by proprietary schools.

Eng. Com. Sub. for House Bill 4137, Allowing counties to store and maintain voter registration records in a digital format.

Eng. House Bill 4161, Making it illegal to scleral tattoo a person.

Eng. Com. Sub. for House Bill 4198, Permitting a person to obtain a 12-month supply of contraceptive drugs.

Eng. Com. Sub. for House Bill 4252, Authorizing miscellaneous agencies and boards to promulgate legislative rules.

Eng. Com. Sub. for House Bill 4352, Removing the use of post-criminal conduct in professional and occupational initial licensure or certification in decision making.

Eng. Com. Sub. for House Bill 4398, Relating to required courses of instruction.

Eng. Com. Sub. for House Bill 4434, West Virginia health care workforce sustainability study.

Eng. Com. Sub. for House Bill 4478, Creating a lifetime ban for commercial drivers involved in human trafficking.

Eng. House Bill 4480, Relating to legislative rules for the Higher Education Policy Commission.

Eng. House Bill 4510, Prohibiting bodily intrusion by an inmate upon any person at any correctional facility.

Eng. House Bill 4529, Relating to the collection of assessments and the priority of liens on property within a resort area.

Eng. Com. Sub. for House Bill 4544, Relating to possession of any controlled substance on the premises of or within 200 feet of a public library.

Eng. House Bill 4559, Modifying the limitations on civil actions against the perpetrator of sexual assault or sexual abuse upon a minor.

Eng. Com. Sub. for House Bill 4576, Establishing a procedure for correcting errors in deeds, deeds of trust and mortgages.

Eng. Com. Sub. for House Bill 4620, Redefining definition of “recovery residence”.

Eng. House Bill 4647, Relating to limited video lottery permit holders.

Eng. Com. Sub. for House Bill 4729, Requiring higher education institutions to use previous versions or editions of instructional materials.

And,

Eng. House Bill 4955, Relating to reducing the cost of fees for state licenses to carry concealed deadly weapons and provisional state licenses to carry concealed deadly weapons.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Weld.

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

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 11:09 a.m. today:

Eng. Com. Sub. for House Bill 4275, Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following resolutions:

Senate Joint Resolution 2 (*Disabled Veteran Exemption From Ad Valorem Property Taxation Amendment*): Senator Jeffries;

Senate Joint Resolution 5 (*Homestead Exemption Increase Amendment*): Senator Jeffries;

Com. Sub. for Senate Concurrent Resolution 23 (*Requesting study of State Police's increased duties and responsibilities*): Senators Baldwin, Cline, and Jeffries;

Senate Concurrent Resolution 24 (*Fire Chief Lee Thomas Memorial Bridge*): Senator Jeffries;

Senate Concurrent Resolution 32 (*US Marine Corps PFC James R. “Johnny” Corder Memorial Bridge*): Senator Cline;

Senate Concurrent Resolution 33 (*US Air Force MSGT Dvon Duncan Memorial Bridge*): Senator Unger;

Senate Concurrent Resolution 35 (*Veterans Memorial Drive*): Senators Jeffries and Unger;

Senate Concurrent Resolution 36 (*Shafer Brothers US Military Veterans Memorial Bridge*): Senator Unger;

Senate Concurrent Resolution 39 (*US Navy PO1 Jeffrey S. Taylor Memorial Bridge*): Senator Cline;

Senate Concurrent Resolution 42 (*US Army CPL Richard "Warren" Ellison Memorial Bridge*): Senator Unger;

Senate Concurrent Resolution 43 (*US Army 1LT Fred Omar Pratt Memorial Bridge*): Senators Jeffries, Unger, and Cline;

Senate Concurrent Resolution 44 (*Naming portion of road in Wayne County "In Memory of Tootsie Hensley, Please Keep Buffalo Creek Litter Free"*): Senators Jeffries and Unger;

Senate Concurrent Resolution 53 (*Requesting study providing free feminine hygiene products to female students in grades six through 12*): Senators Stollings and Lindsay;

Senate Concurrent Resolution 54 (*Requesting study on WV academic standards in English and math*): Senators Stollings and Cline;

Senate Concurrent Resolution 55 (*Requesting study on benefits of wage transparency*): Senators Stollings and Hamilton;

Senate Resolution 57 (*Designating February 28, 2020, as Honeybee and Beekeeper's Day at Capitol*): Senators Stollings, Hamilton, Jeffries, Cline, Rucker, and Prezioso

And,

Senate Resolution 58 (*Congratulating Herbert Hoover High School softball team for winning 2019 Class AA State Championship*): Senators Stollings and Unger.

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

On motion of Senator Takubo, at 11:10 a.m., the Senate adjourned until Monday, March 2, 2020, at 11 a.m.

SENATE CALENDAR

Monday, March 02, 2020
11:00 AM

UNFINISHED BUSINESS

S. R. 60 - Memorializing life of Katherine Johnson, WV native, NASA mathematician, and Presidential Medal of Freedom recipient **[ADOPT]**

THIRD READING

Eng. S. B. 852 - Supplemental appropriation of public moneys from Treasury to Department of Education, School Building Fund (original similar to HB4976)

Eng. S. B. 853 - Supplemental appropriation of public moneys from Treasury to Department of Education, School Building Authority (original similar to HB4975)

Eng. Com. Sub. for H. B. 3127 - Relating to the Secondary School Activities Commission and participation by home schooled students

Eng. Com. Sub. for H. B. 4090 - Creating the Oil and Gas Abandoned Well Plugging Fund

Eng. H. B. 4146 - Relating to credit for reinsurance - (Com. title amend. pending)

Eng. H. B. 4365 - Granting of college credit hours for learning English as a second language

Eng. H. B. 4412 - Relating to education benefits to members of the West Virginia Army National Guard and West Virginia Air National Guard

Eng. Com. Sub. for H. B. 4438 - Relating to the licensing of advance deposit wagering - (Com. title amend. pending)

Eng. H. B. 4450 - Relating to instruction permits issued by the Division of Motor Vehicles

Eng. Com. Sub. for H. B. 4461 - Requiring the Governor to fix the salaries of certain state appointed officers after the office is vacated or after July 1

Eng. H. B. 4466 - Certificates of Insurance Act - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 4522 - Allowing division to accept documents compliant with Real ID Act for proof of identity - (Com. title amend. pending)

Eng. H. B. 4760 - Modifying video lottery retailer licensing eligibility requirements

Eng. H. B. 4790 - Relating to Career Technical Education for middle school students

Eng. H. B. 4882 - Authorizing limited sampling and limited sale of wine for off-premises consumption to wineries not licensed in the state

Eng. H. B. 4887 - Relating to revocation, cancellation, or suspension of business registration certificates - (Com. title amend. pending)

Eng. H. B. 4929 - Relating to the administrative closing of stale or unprogressed estates

Eng. H. B. 4969 - Relating to providing tax credit for the donation or sale of a vehicle to certain charitable organizations

SECOND READING

Eng. H. B. 4022 - Clarifying the qualifications of the Chancellor of the Higher Education Policy Commission

Eng. H. B. 4039 - Providing limitations on nuisance actions against fire department and emergency medical services - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 4077 - Increasing the amount of the bond required to be posted by proprietary schools

Eng. Com. Sub. for H. B. 4083 - Requiring the West Virginia Parkways Authority to accept the use of credit and debit cards for paying tolls - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 4137 - Allowing counties to store and maintain voter registration records in a digital format

Eng. H. B. 4161 - Making it illegal to scleral tattoo a person - (Com. amend. pending)

Eng. Com. Sub. for H. B. 4198 - Permitting a person to obtain a 12-month supply of contraceptive drugs - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 4217 - Authorizing the Department of Environmental Protection to promulgate legislative rules - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 4252 - Authorizing miscellaneous agencies and boards to promulgate legislative rules - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 4352 - Removing the use of post-criminal conduct in professional and occupational initial licensure or certification in decision making (original similar to SB503)

Eng. Com. Sub. for H. B. 4398 - Relating to required courses of instruction - (Com. amends. and title amend. pending)

Eng. Com. Sub. for H. B. 4434 - West Virginia health care workforce sustainability study - (Com. amends. pending) (original similar to SB558)

Eng. Com. Sub. for H. B. 4464 - Relating to driving privileges and requirements for persons under the age of 18 - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 4478 - Creating a lifetime ban for commercial drivers involved in human trafficking - (Com. amend. and title amend. pending)

Eng. H. B. 4480 - Relating to legislative rules for the Higher Education Policy Commission

Eng. H. B. 4504 - Relating to renewal application requirements for individuals with permanent disabilities - (Com. amend. pending)

Eng. H. B. 4510 - Prohibiting bodily intrusion by an inmate upon any person at any correctional facility - (Com. amend. and title amend. pending)

- Eng. H. B. 4529 - Relating to the collection of assessments and the priority of liens on property within a resort area - (Com. amend. pending)
- Eng. Com. Sub. for H. B. 4544 - Relating to possession of any controlled substance on the premises of or within 200 feet of a public library - (Com. amend. and title amend. pending)
- Eng. H. B. 4551 - Relating to subsidized adoption - (Com. amend. and title amend. pending)
- Eng. H. B. 4559 - Modifying the limitations on civil actions against the perpetrator of sexual assault or sexual abuse upon a minor - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4576 - Establishing a procedure for correcting errors in deeds, deeds of trust and mortgages - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4620 - Redefining definition of "recovery residence"
- Eng. H. B. 4647 - Relating to limited video lottery permit holders
- Eng. Com. Sub. for H. B. 4729 - Requiring higher education institutions to use previous versions or editions of instructional materials
- Eng. Com. Sub. for H. B. 4773 - Creating a workgroup to investigate and recommend screening protocols for adverse childhood trauma in this state - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4925 - Requiring the Secondary Schools Athletic Commission to recognize preparatory athletic programs
- Eng. H. B. 4955 - Relating to reducing the cost of fees for state licenses to carry concealed deadly weapons and provisional state licenses to carry concealed deadly weapons

FIRST READING

- S. B. 854 - Expiring funds to Division of Culture and History from Auditor's Office, Purchasing Card Administration Fund
- S. B. 855 - Expiring funds to State Rail Authority, WV Commuter Rail Access Fund from Auditor's Office, Purchasing Card Administration Fund
- Eng. H. B. 4409 - Relating to transferring remaining funds from the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund - (Com. amends. and title amend. pending)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2020

Monday, March 2, 2020

9 a.m.	Pensions	(Room 451M)
10 a.m.	Rules	(Room 219M)
10:15 a.m.	Health & Human Resources	(Room 451M)
1 p.m.	Natural Resources	(Room 208W)
2 p.m.	Banking & Insurance	(Room 451M)