

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2021
THIRD DAY

Charleston, West Virginia, Friday, February 12, 2021

The Senate met at 11 a.m.

(Senator Blair, 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 Eric J. Tarr, a senator from the fourth district.

Pending the reading of the Journal of Thursday, February 11, 2021,

At the request of Senator Martin, 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 Clerk presented the following communications from various state agencies as required by the provisions of law:

Accountancy, Board of (§30-1-12)

Acupuncture, Board of (§30-1-12)

Administration, Department of (Procurement of Recycled Products) (§22-15A-21)

Administration, Department of (State Building Commission Fund) (§5-6-1)

Architects, Board of (§30-1-12)

Auditor's Office (Consolidated Budget Report)

Barbers and Cosmetologists, Board of (§30-1-12)

Chiropractic Examiners, Board of (§30-1-12)

Commercial Motor Vehicle Weight and Safety Enforcement Advisory Committee (§24A-1A-2)

Counseling, Board of Examiners in (§30-1-12)

Dentistry, Board of (§30-1-12)

Development Office (Governor's Guaranteed Work Force Program (§5B-2D-6)

Development Office (Neighborhood Investment Program) (§11-13J-4a)

Development Office (Upper Kanawha Valley Resiliency and Revitalization Program) (§5B-2-15)

Economic Development Authority (Audited Financial Statements) (§31-15-29)

Engineers, Board of Registration for Professional (§30-1-12)

Environmental Protection, Department of (Oil and Gas Operating Permit and Processing Fund) (§22-6-29)

Environmental Protection, Department of (Oil and Gas Reclamation Fund) (§22-6-29)

Environmental Protection, Department of (Special Reclamation Fund Advisory Council) (§22-1-17)

Environmental Protection, Department of (Waiver Report) (§22-6A-2)

Ethics Commission (Advisory Opinions) (§6B-2-3)

Foresters, Board of Registration for (§30-1-12)

Forestry, Division of (Logging Sediment Control Act) (§19-1B-13)

Forestry, Division of (Outdoor Heritage Conservation Fund) (§5B-2G-6)

Funeral Service Examiners, Board of (§30-1-12)

Geological and Economic Survey (§29-2-6)

Health and Human Resources, Department of (James "Tiger" Morton Catastrophic Illness Commission) (§16-5Q-2)

Housing Development Fund (Audited Financial Statements) (§31-18-24)

Insurance Commissioner, Offices of the (Office of the Consumer Advocate) (§33-2-16)

Investment Management Board (Audited Financial Statements) (§12-6-6)

Jobs Investment Trust Board (Investment Analyses) (§12-7-12)

Landscape Architects, Board of (§30-1-12)

Legislative Claims Commission (Annual Report) (§14-2-25)

Legislative Claims Commission (Crime Victims Compensation Fund) (§14-2A-21)

Massage Therapy Licensure Board (§30-1-12)

Medical Imaging and Radiation Therapy Technology Board of Examiners (§30-1-12)

Miners' Health, Safety, and Training, Office of (Annual Report and Directory of Mines) (§22A-1-4)

Municipal Bond Commission (§13-3-15)

Municipal Pensions Oversight Board (Municipal Policemen's and Firemen's Pension and Relief Funds Consolidated Actuarial Valuation) (§8-22-20a)

Natural Resources, Division of (§20-1-7)

Nursing Home Administrators Licensing Board (§30-1-12)

Occupational Therapy, Board of (§30-1-12)

Optometry, Board of (§30-1-12)

Osteopathic Medicine, Board of (§30-1-12)

Personnel, Division of (§29-6-7)

Pharmacy, Board of (§30-1-12)

Physical Therapy, Board of (§30-1-12)

Protective Services, Division of (Monthly Incident Report) (§15-2D-3)

Psychologists, Board of Examiners of (§30-1-12)

Public Employees Grievance Board (§6C-3-3)

Real Estate Appraiser Licensing and Certification Board (§30-1-12)

Real Estate Commission (§30-1-12)

Registered Professional Nurses, Board of Examiners for (§30-1-12)

Respiratory Care, Board of (§30-1-12)

Ron Yost Personal Assistance Services Board (§18-10L-7)

Senior Services, Bureau of (§16-5P-14)

Social Work, Board of (§30-1-12)

Speech-Language Pathology and Audiology, Board of Examiners of (§30-1-12)

Surveyors, Board of Professional (§30-1-12)

Tax Appeals, Office of (§11-10A-7)

Tax Department, State (Tax Expenditure Study) (§11-10-5s)

Tax Department, State (Innovative Mine Safety Technology Tax Credit Review and Accountability Report) (§11-13BB-11)

Tax Department (Summary of Issues and Amounts of Liabilities Contained in Agreements and Compromises) (§11-10-5q)

Tourism Office (§5B-2I-4)

Treasurer, Office of the State (College Prepaid Tuition and Savings Program) (§18-30-10)

Treasurer, Office of the State (Debt Capacity) (§12-6A-6)

Treasurer, Office of the State (Debt Position) (§12-6A-6)

Treasury Investments, Board of (§12-6-6)

Veterinary Medicine, Board of (§30-1-12)

Water Development Authority (§22C-1-17)

Women's Commission (§29-20-6)

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

Senate Bill 9, Continuing Licensed Racetrack Modernization Fund.

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

Com. Sub. for Senate Bill 9 (originating in the Committee on Finance)—A Bill to amend and reenact §29-22A-10 of the Code of West Virginia, 1931, as amended, relating to continuation of Licensed Racetrack Modernization Fund; and making technical corrections.

And,

Senate Bill 34, Creating exemption to state sales and use tax for rental and leasing of equipment.

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

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

With the recommendation that the two committee substitutes 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 10, Modifying racetrack licensing due date.

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

Respectfully submitted,

Eric J. Tarr,
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 78, Relating to rehabilitative spousal support.

And reports the same back with the recommendation that it 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 81, Making technical corrections to WV Directed Trust Act.

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

Com. Sub. for Senate Bill 81 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §44D-1-105 of the Code of West Virginia, 1931, as amended; to amend and reenact §44D-8A-809 of said code; and to amend and reenact §44D-10-1008 of said code, all relating generally to the West Virginia Uniform Trust Code; correcting certain internal code references; adding certain cross references within the trust code; and modifying standard for trustee liability from “willful misconduct” to breach of fiduciary duty for consistency with similar trust law provisions.

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 Bills 126, 127, 128, and 129, Department of Administration rule relating to purchasing.

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

Com. Sub. for Senate Bill 126 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-2-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally, to authorizing certain agencies of the Department of Administration to promulgate legislative rules; authorizing the rules as filed, as modified, and as amended by the Legislative Rule-Making Review Committee; authorizing the Department of Administration to promulgate a legislative rule relating to purchasing; authorizing the State Board of Risk and Insurance Management to promulgate a legislative rule relating to mine subsidence insurance; authorizing the State Board of Risk and Insurance Management to promulgate a legislative rule relating to the public entities insurance program; and authorizing the State Board of Risk and Insurance Management to promulgate a legislative rule relating to the procedure for providing written notification of claims of potential liability to the State or its employees.

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 140, Division of Rehabilitation Services rule relating to Ron Yost Personal Assistance Services Act Board.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bills 156, 157, 158, and 159, Fire Commission rule relating to standards for certification and continuing education of municipal, county, and other public sector building code officials, building code inspectors, and plans examiners.

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

Com. Sub. for Senate Bill 156 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Homeland Security to promulgate legislative rules; authorizing the rules as filed and as amended by the Legislature; relating to authorizing the Fire Commission to promulgate a legislative rule relating to standards for the certification and continuing education of municipal, county, and other public sector building code officials, building code inspectors, and plans examiners; relating to authorizing the Fire Marshal to promulgate a legislative rule relating to standards for the certification and continuing education of municipal, county, and other public sector building code officials, building code inspectors, and plans examiners; relating to authorizing the State Emergency Response Commission to promulgate a legislative rule relating to emergency planning and community right to know; and relating to authorizing the State Emergency Response Commission to promulgate a legislative rule relating to the emergency planning grant program.

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

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The resolution, under the original double committee reference, was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

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

By Senator Ihlenfeld:

Senate Bill 245—A Bill to amend and reenact §5-10-18 of the Code of West Virginia, 1931, as amended, relating to providing an 11-month window to permit members of the Public Employees Retirement System to purchase credited service that had been previously forfeited.

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

By Senator Maynard:

Senate Bill 246—A Bill to amend and reenact §18B-1-3 and §18B-1-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4 of said code; to amend and reenact §18B-2A-4 of said code; to amend and reenact §18B-2B-6 of said code; and to amend said code by adding thereto a new section, designated §18B-4-5b, all relating to regulation or restriction of carrying a concealed pistol or revolver by a person who holds a current license to carry a concealed deadly weapon; authorizing regulation or restriction on the carrying of concealed pistols or revolvers in certain circumstances or areas of an institution of higher education; eliminating authority of the Higher Education Policy Commission, the Council for Community and Technical College Education, and the institutional boards of governors to restrict or regulate the carrying of concealed pistols or revolvers in certain circumstances or areas of an institution of higher education; and designating these amendments as the Campus Self-Defense Act.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 247—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-2a, relating to providing the Commissioner of Highways with the authority to designate a road as an “Historic Route”; and establishing rule-making authority.

Referred to the Committee on Transportation and Infrastructure.

By Senator Maynard:

Senate Bill 248—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-8-2a, relating to requiring the Department of Health and Human Resources to collaborate with the Workforce Development Board, the West Virginia Division of Personnel, and the West Virginia Department of Education for purposes of job placement.

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

By Senator Maynard:

Senate Bill 249—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-15D-1, §33-15D-2, §33-15D-3, §33-15D-4, §33-15D-5, and §33-15D-6, all relating to creating the Health Care Choice Act; stating legislative findings and purpose; and authorizing insurers from other states to engage in the business of health insurance in West Virginia only with the written approval of the Insurance Commissioner and subject to qualifications and other requirements determined by the Insurance Commissioner.

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

By Senator Rucker:

Senate Bill 250—A Bill to amend and reenact §15-13-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting a person required to register with the child abuse and neglect registry from having contact with a victim of abuse for 10 years from the date of conviction or from having been found not guilty by reason of mental illness, mental retardation, or addiction.

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 251—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1 and §16-63-2, all relating to creating the Living Infants Fairness and Equality Act; legislative findings; definitions; and recognizing unborn children as natural persons entitled to all safeguards granted to all living persons in West Virginia under the Bill of Rights of the Constitution of the United States and the West Virginia Constitution.

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

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

Senate Bill 252—A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining “sexual orientation” and “gender identity”.

Referred to the Committee on the Judiciary.

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

Senate Bill 253—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-7-8, relating to creating the Business PROMISE+ Scholarship; establishing the scholarship under the management of the Higher Education Policy Commission; creating a special revenue account; explaining funding for the scholarship; authorizing the issuance of tax credits for certain businesses; authorizing legislative rules by the Higher Education Policy Commission and the Tax Commissioner; setting student eligibility; noting business benefits and requirements; creating a process for awarding a specific amount of funds; detailing student requirements upon receipt of the scholarship; and requiring the creation of a deferral and waiver program for certain requirements.

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

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

Senate Bill 254—A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory

practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining “sexual orientation” and “gender identity”.

Referred to the Committee on the Judiciary.

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

Senate Bill 255—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1, §9-11-2, §9-11-3, §9-11-4, and §9-11-5, all relating to the wholesale importation of prescription drugs.

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

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

Senate Bill 256—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-1c; and to amend said code by adding thereto a new section, designated §33-16-1c, all relating to accident and sickness insurance coverage and group accident and sickness insurance coverage; requiring access to coverage of individuals with preexisting conditions; specifying acceptable variability in insurance rates; providing for new or changed coverage at certain enrollment times; and conditioning the applicability of the provisions on federal law.

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

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

Senate Bill 257—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-23; and to amend said code by adding thereto a new section, designated §33-16-19, all relating to a prohibition on short-term duration health insurance.

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

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

Senate Bill 258—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, §11-29-5, §11-29-6, §11-29-7, and §11-29-8, all relating to taxation of prescription opioids; imposing a tax on wholesale opioid distributors and mail-order pharmacies; establishing a license to distribute or dispense opioids; creating criminal penalties for distributing or dispensing opioids without a license and for failing to remit tax as required; authorizing the Department of Revenue to administer the tax; creating an Addiction and Neonatal Addiction Care Fund as a special revenue account and establishing the purposes for which the funds may be used; creating an Opioid Drug Taskforce Fund as a special revenue account and establishing the purposes for which the funds may be used; creating a Drug Courts Fund as a special revenue account and establishing the purposes for which the funds may be used; and creating an Opioid Education Fund as a special revenue account and establishing the purposes for which the funds may be used.

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

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

Senate Bill 259—A Bill to amend and reenact §5-16-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5-16-6, all relating to authorizing small private employers to buy-in to PEIA; mandating that PEIA provide coverage to the employees of small, private employers and their dependents; providing that coverage for employees of a small employer is voluntary for both the employer and the employee; prohibiting refusal of coverage on the basis of past or future health care costs or claim experience; prohibiting administrative costs attributable to coverage to be paid by the state; and providing that participation does not create an employer-employee relationship with the state.

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

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

Senate Bill 260—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-1-16 and §16-1-16a, all relating to social determinants of health; establishing the Minority Health Advisory Team, including its composition and duties; authorizing a Community Health Equity Initiative Demonstration Project; authorizing the Commissioner of the Bureau for Public Health to establish a Community Health Equity Initiative Demonstration Project; establishing eligibility requirements; providing for the administration of the demonstration project; establishing requirements for a demonstration project plan and the selection of communities for participation; establishing reporting requirements; and establishing the date on which the demonstration project terminates.

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

By Senator Ihlenfeld:

Senate Bill 261—A Bill to amend and reenact §17C-5C-3 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Administrative Hearings to hear and determine appeals of the suspension or revocation of a graduated driver's license.

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

By Senator Hamilton:

Senate Bill 262—A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to requiring certain municipalities to pay for the incarceration of inmates arrested by the municipality's police.

Referred to the Committee on Government Organization.

By Senator Hamilton:

Senate Bill 263—A Bill to amend and reenact §47-21-2 of the Code of West Virginia, 1931, as amended, relating to enabling the conducting of online raffles for charitable and public service organizations to raise funds.

Referred to the Committee on the Judiciary.

By Senator Hamilton:

Senate Bill 264—A Bill to repeal §47-19-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §47-19-1, §47-19-3, §47-19-4, and §47-19-5 of said code; and to amend and reenact §60A-4-403a of said code, all relating to licenses to sell paraphernalia for use with controlled substances; terminating the Tax Commissioner's authority to issue business licenses to sell paraphernalia for use with controlled substances; revoking licenses previously issued by the Tax Commissioner; clarifying the definition of drug paraphernalia; requiring the continued retention of transaction records after the revocation of licensed authority; providing rule-making authority; providing effective date; setting criminal offense elements; and establishing criminal penalties.

Referred to the Committee on the Judiciary.

By Senator Sybolt:

Senate Bill 265—A Bill to amend and reenact §11A-3-4, §11A-3-19, §11A-3-52, and §11A-3-56 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11A-4-6 of said code, all relating to sale of delinquent tax liens; prescribing when payments must be made for redemption; limiting fees to \$500 to secure deed; establishing when purchaser has access to property and when delinquent tax payer does not; changing time for redemption and time to set aside a deed; and reducing the time to redeem by persons with disabilities.

Referred to the Committee on the Judiciary.

By Senator Sybolt:

Senate Bill 266—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §36-16-1, §36-16-2, §36-16-3, §36-16-4, §36-16-5, §36-16-6, §36-16-7, §36-16-8, §36-16-9, §36-16-10, §36-16-11, §36-16-12, §36-16-13, and §36-16-14, all relating to creating the Uniform Easement Relocation Act; providing short title and definitions; scope of article; stating the right of servient estate owner to relocate easement; requiring commencement of civil action; requiring findings and court order; expenses of relocation and duty to act in good faith; limited effect of relocation of easement; providing that right to relocate may not be waived; relation to Electronic Signatures in Global and National Commerce Act; and providing that article applies to an easement created before, on, or after the effective date of this article.

Referred to the Committee on the Judiciary.

By Senator Sybolt (By Request):

Senate Bill 267—A Bill to amend and reenact §11A-1-9 of the Code of West Virginia, 1931, as amended, relating to payment of taxes by coowners.

Referred to the Committee on the Judiciary.

By Senators Martin, Phillips, Karnes, Stover, and Smith:

Senate Bill 268—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-8I-1, §31A-8I-2, §31A-8I-3, and §31A-8I-4, all relating to unlawful discriminatory practices by a financial institution or government entity against manufacturers, retailers, distributors, shooting ranges, or trade associations that support or are engaged in the lawful commerce of firearms, firearms accessories, or ammunition products; authorizing a declaratory judgment action to be brought by the Attorney General in the name of

the state; and providing for an award of monetary damages and costs and other remedies against the violators including potential discontinuance of business by the state with these violators.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 269—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-17-1, §21-17-2, §21-17-3, §21-17-4, §21-17-5, §21-17-6, §21-17-7, §21-17-8, §21-17-9, §21-17-10, §21-17-11, and §21-17-12; to amend said code by adding thereto a new article, designated §29-33-1, §29-33-2, §29-33-3, §29-33-4, §29-33-5, §29-33-6, §29-33-7, §29-33-8, §29-33-9, §29-33-10, §29-33-11, and §29-33-12; to amend said code by adding thereto a new article, designated §30-1F-1, §30-1F-2, §30-1F-3, §30-1F-4, §30-1F-5, §30-1F-6, §30-1F-7, §30-1F-8, §30-1F-9, §30-1F-10, §30-1F-11, and §30-1F-12, all relating to occupational licensing or other authorization to practice; providing for definitions; providing for an application method for persons with a valid license in another state to be licensed in this state; establishing that an applicant seeking licensure in this state not have ever had a license revoked or suspended in another state; providing that an applicant seeking licensure in this state not have any pending investigations or disciplinary proceedings in another state; providing that the boards in every state where a person is licensed hold an applicant in good standing for licensure in this state; providing that an applicant pay all applicable fees; providing that an applicant meet all state bonding requirements for licensure in this state; providing for an application fee that may be assessed by the board; and requiring recognition for qualified applicants from other states.

Referred to the Committee on Government Organization.

By Senator Maynard:

Senate Bill 270—A Bill to amend and reenact §7-18-3 and §7-18-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §7-18-4a, all relating to taxation of hotel rooms booked through a marketplace facilitator; defining marketplace facilitator; providing for collection and remittance of the hotel occupancy tax imposed by any municipality or county by certain marketplace facilitators; making marketplace facilitators satisfy certain economic nexus requirements responsible for collection and remittance of the tax imposed by any county or municipality; requiring the marketplace facilitator to separately state the tax on all bills, invoices, accounts, books of account, and records relating to consideration paid for the occupancy or use of a hotel room; deeming all taxes collected be held in trust by the marketplace facilitator until remitted; establishing procedures, timelines, and requirements for the remittance of hotel occupancy taxes by marketplace facilitators; providing for the administration, enforcement and collection of such taxes by the State Tax Commissioner; providing criminal penalties for violations; providing rule-making authority; and permitting marketplace facilitators and hotels or hotel operators to enter into agreements regarding fulfillment of the requirements of the chapter.

Referred to the Committee on Government Organization.

Senator Maynard offered the following resolution:

Senate Concurrent Resolution 3—Urging the United States Congress to reopen public lands in the State of West Virginia.

Whereas, Off-highway vehicle recreation has demonstrated a tremendous economic benefit of at least \$43 billion throughout the United States and to West Virginia, in particular; and

Whereas, West Virginia has an unparalleled opportunity to replace lost jobs with new employment supporting off-highway vehicle recreation; and

Whereas, West Virginia currently suffers from the highest rates of drug overdose deaths, and the actual number of deaths due to opioid overdose has quadrupled since 2010, but wilderness therapy programs, outdoor recreation, and off-highway vehicle recreation have demonstrated positive health effects for veterans with post-traumatic stress disorder and individuals with opioid addictions; and

Whereas, Resumption of logging in the national forests will bring both economic benefits to the state and to the national budget as well as reduction in the potential for devastating wildfires through proper forest management and timbering practices; and

Whereas, The public benefits of maintaining West Virginia's recreation economy, opportunities for outdoor therapy, and vital logging industry provide powerful reasons to restore full access to nationally managed public lands in this state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges the United States Congress to reopen public lands in the State of West Virginia; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the representatives and senators elected by the citizens of West Virginia serving the citizens of West Virginia in the Congress of the United States in Washington, D. C.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 6, Adopting special rule of order relating to proxy voting due to COVID-19 pandemic.

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 twelfth order of business.

Remarks were made by Senators Stollings, Trump, and Tarr.

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution on February 11, 2021:

Senate Bill 1: Senators Maroney and Nelson;

Senate Bill 2: Senators Baldwin, Takubo, and Nelson;

Senate Bill 3: Senators Takubo and Nelson;

- Senate Bill 4:** Senator Takubo;
Senate Bill 5: Senator Takubo;
Senate Bill 6: Senator Takubo;
Senate Bill 7: Senator Takubo;
Senate Bill 8: Senator Martin;
Senate Bill 9: Senators Nelson and Takubo;
Senate Bill 10: Senators Nelson and Takubo;
Senate Bill 11: Senator Takubo;
Senate Bill 12: Senator Takubo;
Senate Bill 13: Senator Takubo;
Senate Bill 14: Senator Takubo;
Senate Bill 15: Senator Takubo;
Senate Bill 16: Senator Takubo;
Senate Bill 19: Senator Takubo;
Senate Bill 25: Senator Phillips;
Senate Bill 28: Senator Grady;
Senate Bill 67: Senator Stollings;
Senate Bill 69: Senators Sypolt, Grady, and Martin;
Senate Bill 73: Senator Grady;
Senate Bill 225: Senators Lindsay and Caputo;
Senate Bill 231: Senator Stollings;

And,

Senate Resolution 6: Senator Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:20 a.m., the Senate adjourned until tomorrow, Saturday, February 13, 2021, at 9 a.m.

SENATE CALENDAR

**Saturday, February 13, 2021
9:00 AM**

UNFINISHED BUSINESS

S. C. R. 3 - Urging Congress reopen public lands in WV

FIRST READING

Com. Sub. for S. B. 9 - Continuing Licensed Racetrack Modernization Fund

S. B. 10 - Modifying racetrack licensing due date

Com. Sub. for S. B. 34 - Creating exemption to state sales and use tax for rental and leasing of equipment

S. B. 78 - Relating to rehabilitative spousal support

Com. Sub. for S. B. 81 - Relating generally to WV Uniform Trust Code

Com. Sub. for S. B. 126 - Authorizing Department of Administration to promulgate legislative rules

S. B. 140 - Division of Rehabilitation Services rule relating to Ron Yost Personal Assistance Services Act Board

Com. Sub. for S. B. 156 - Authorizing Department of Homeland Security to promulgate legislative rules

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2021

Saturday, February 13, 2021

9:30 a.m.	Education	(Room 451M)
9:30 a.m.	Government Organization	(Room 208W)
10:30 a.m.	Judiciary	(Room 208W)

Monday, February 15, 2021

1 p.m.	Natural Resources	(Room 208W)
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