

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2021
FOURTEENTH DAY

Charleston, West Virginia, Tuesday, February 23, 2021

The Senate met at 11 a.m.

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

Prayer was offered by Tanner Keen, Senate Intern for the Committee on Transportation and Infrastructure and the Committee on Banking and Insurance, Wheeling, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert D. Beach, a senator from the thirteenth district.

Pending the reading of the Journal of Monday, February 22, 2021,

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

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2008—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-3C-14; to amend and reenact §21-14-2 and §21-14-7 of said code; to amend and reenact §21-16-2, §21-16-3, §21-16-5, and §21-16-8 of said code; to amend said code by adding thereto a new section, designated §21-16-11; to amend and reenact §29-3B-2, §29-3B-3, §29-3B-4, §29-3B-6, and §29-3B-8 of said code; and to amend and reenact §29-3D-2, §29-3D-3, §29-3D-4, §29-3D-6, and §29-3D-7 of said code, all relating to licensure in this state; providing for state code precedence over local ordinances; providing for altered definitions of a Journeyman and Master plumber; providing for monetary penalties for improperly performing plumbing work under certain conditions; providing for altered definitions of HVAC Technician; providing that an applicant for a HVAC technician license must only provide documentation of up to 2,000 hours work, training, and experience; providing for monetary penalties for improperly performing HVAC work under certain conditions; providing for veterans who meet certain conditions be eligible for HVAC technician licensure; providing for altered definitions of Journeyman and Master electricians; providing for exemptions for licensure

under certain conditions; providing for extended time frames for electricians to renew a license without retesting; providing for monetary penalties for improperly performing electrical work under certain conditions; providing for definitions of fire protection workers; providing for an altered definition of Journeyman sprinkler fitter; providing for an exemption from licensure when meeting certain conditions; providing for monetary penalties for improperly performing fire protection work; and providing for other minor technical changes.

Referred to the Committee on Government Organization.

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

Eng. House Bill 2253—A Bill to amend and reenact §29-22-12 of the Code of West Virginia, 1931, as amended, relating to forgery and other crimes concerning lottery tickets; requiring any sentencing be by determinate sentence.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

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

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

Com. Sub. for Senate Bill 80 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §44-1-28 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §44-1A-1, §44-1A-2, §44-1A-3, §44-1A-4, and §44-1A-5, all relating to payment of small sums to spouse or distributees of decedents upon whose estates there have been no qualifications; allowing the administration of small estates containing under \$50,000 in personal property and under \$100,000 in real property by affidavit and without appointment of a personal representative; providing for a short title; providing for definitions; identifying affidavit contents and form; establishing duties of fiduciary supervisor and clerk of the county commission; setting forth requirements for death certificate, proof of residence, and bond; setting forth form of affidavit; providing for issuance of certificates and authorization of small estates; setting forth requirements for objections by interested parties and revocation of certificate and authorization; rescinding of certificates and authorization when determination is made that estate does not qualify; detailing methods for payment or delivery of small assets to authorized successors; discharging and releasing payors; setting forth fiduciary duty of authorized successor; detailing treatment of real estate in a small estate; and providing for applicability.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Finance has had under consideration

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

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

Respectfully submitted,

Eric J. Tarr,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senator Maroney:

Senate Bill 397—A Bill to amend and reenact §11-27-39 of the Code of West Virginia, 1931, as amended, relating to the health care provider tax; defining terms; modifying effective date; and removing expiration date for the tax.

Referred to the Committee on Finance.

By Senator Maroney:

Senate Bill 398—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-29, relating to a moratorium on coverage under the West Virginia Public Employees Insurance Act unless the employer is the state, its boards, agencies, commissions, departments, institutions, or spending units, or a county board of education.

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

By Senator Maroney:

Senate Bill 399—A Bill to amend and reenact §16-5N-3 of the Code of West Virginia, 1931, as amended, relating to residential care communities that encourage and promote the development and utilization of quality residential communities for persons who desire to live independently or who may require limited and intermittent nursing care in a normal home environment; and amending the requirement of an annual report to the Legislature providing specified information being continuously available to the public at all times on the Office of Health Facility Licensure and Certification's website.

Referred to the Committee on Health and Human Resources.

By Senators Clements, Swope, and Roberts:

Senate Bill 400—A Bill to amend and reenact §54-2-12, §54-2-13, §54-2-14, §54-2-14a, §54-2-15, §54-2-16, §54-2-18, and §54-2-21, of the Code of West Virginia, 1931, as amended, all relating to bringing the statutory interest rate to be paid in condemnation cases into conformity with current statutory rates; and making revisions to meet legislative standards.

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

By Senator Nelson:

Senate Bill 401—A Bill to amend and reenact §46A-1-102 of the Code of West Virginia, 1931, as amended; to amend and reenact §46A-2-122 of said code; to amend and reenact §46A-5-101, §46A-5-104, and §46A-5-106 of said code; and to amend and reenact §46A-6-106 of said code, all relating to the Consumer Credit and Protection Act; excluding checking, savings, and other depository accounts from the definition of “services”; excluding a party collecting on its own debt from the definition of “debt collector”; establishing an actual loss threshold of \$5,000 for the certification of a class action; limiting recovery of each individual within a class to the greater of \$1,000 per claim penalty or the total outstanding indebtedness; reducing the current statute of limitations from four years to one year; reducing stator penalties to \$1,000 per claim from \$1,000 per violation; limiting recoverable attorney’s fees to four times the award; updating the adjustment for inflation from September 2015 to September 2021; and prohibiting class actions under article 6 of the act.

Referred to the Committee on the Judiciary.

By Senator Azinger:

Senate Bill 402—A Bill to amend and reenact §48-13-801 of the Code of West Virginia, 1931, as amended, relating to tax exemption for child support due.

Referred to the Committee on Finance.

By Senator Azinger:

Senate Bill 403—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §37D-1-1, §37D-1-2, §37D-1-3, §37D-1-4, §37D-1-5, §37D-1-6, §37D-2-1, §37D-2-2, §37D-2-3, §37D-2-4, §37D-2-5, §37D-2-6, §37D-2-7, and §37D-2-8, all relating to creating the Timber Co-tenancy Modernization and Majority Protection Act and the Unknown and Unlocatable Timber Interest Owners Act; permitting the harvest of timber by fewer than all the interest owners under certain conditions; providing an exception to waste and trespass; providing short titles; providing declarations of public policy and legislative findings; providing definitions; providing that consent for the lawful use and harvesting of timber by the persons owning an undivided three fourths of the royalty interests, as defined, in the timber estate is permissible, is not waste, and is not trespass; providing that nonconsenting co-tenants may elect a harvest royalty interest or a working interest share of harvest; providing that interests owned by unknown or unlocatable owners be reserved, reported, and deposited in a fund hereby created, known as the Unknown and Unlocatable Timber Interest Owners Fund to be administered by the State Treasurer in conjunction with the West Virginia Uniform Unclaimed Property Act; providing methods for determination of leasehold and contractual terms, including reviews and determinations; providing liability protection for damages resulting from the lawful use or harvesting of timber; requiring surface use agreements in specified circumstances; providing a mechanism for surface owners to acquire title to certain harvested timber interests; preserving common law rights; providing reporting requirements and administrative duties, including civil penalties for noncompliance under the West Virginia Uniform Unclaimed Property Act; providing for rule-making authority; providing crediting of interest to owner’s accounts; and providing an effective date of July 1, 2021.

Referred to the Committee on the Judiciary.

By Senator Smith:

Senate Bill 404—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-6A-7a, relating to modifications of well work permits issued by the Department of Environmental Protection's Office of Oil and Gas.

Referred to the Committee on Energy, Industry, and Mining.

By Senator Phillips:

Senate Bill 405—A Bill to amend and reenact §22-30-3 of the Code of West Virginia, 1931, as amended, relating to altering the definition of "aboveground storage tank".

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 406—A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to removing Hepatitis B vaccine from the list of compulsory immunizations.

Referred to the Committee on Health and Human Resources.

By Senator Smith:

Senate Bill 407—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5k, relating to the assessment of a wildlife impact fee by the Director of the Division of Natural Resources on operators of wind power projects that injure or kill a protected species of animal.

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

By Senator Smith:

Senate Bill 408—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-6b; to amend said code by adding thereto a new section, designated §17-3-11; and to amend said code by adding thereto a new article, designated §17-30-1, §17-30-2, §17-30-3, §17-30-4, and §17-30-5, all relating generally to enhancing maintenance and repair of the state's roads and highways; establishing roads accountability and transparency; directing the State Auditor to develop and maintain a searchable website of funding actions and expenditures relating to state and public roads; setting forth the minimum content to be contained in the website; directing the Commissioner of Highways to provide information and data to the State Auditor; requiring an annual update to the Joint Committee on Government and Finance; creating the Special Road Repair Fund as a subaccount of the State Road Fund; authorizing the commissioner to transfer certain funds into the subaccount for certain purposes; creating the Enhanced Road Repair and Maintenance Program; stating legislative findings and purpose of program; requiring Division of Highways county supervisors consult with county commissions and legislators to submit project requests to the Division of Highways; setting forth a funding formula; setting forth requirements concerning bidding, vendors, and contracts with private vendors; specifying uses of Special Road Repair Fund; defining terms; providing requirements for commissioner of Highways and districts; requiring for rulemaking; and requiring reporting by Division of Highways and Legislative Auditor.

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

By Senator Smith:

Senate Bill 409—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-10-1, relating to transferring child welfare enforcement responsibilities to the West Virginia State Police; transferring employees, funds, and property of the Department of Health and Human Resources to the West Virginia State Police; providing that transferred employees remain in the Civil Service System, continue to participate in Public Employees Retirement System Insurance, and continue to be covered by the Public Employees Insurance Act; and requiring rulemaking.

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

By Senator Smith:

Senate Bill 410—A Bill to amend and reenact §23-4-15 of the Code of West Virginia, 1931, as amended, relating to clarifying that the time limitations provided for filing occupational pneumoconiosis claims do not apply or otherwise limit the ability of a claimant to obtain an evaluation from the Occupational Pneumoconiosis Board.

Referred to the Committee on Banking and Insurance.

By Senator Smith:

Senate Bill 411—A Bill to amend and reenact §62-12-9 of the Code of West Virginia, 1931, as amended, relating to requiring probationers who have served 10 or more years to participate in a work release program and spend six months in a work release center; and requiring that 70 percent of their earnings be held in an account and provided to them at the successful completion of the six-month period.

Referred to the Committee on the Judiciary.

By Senator Smith:

Senate Bill 412—A Bill to amend and reenact §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to pollution control facilities tax treatment; clarifying that wind power projects are not pollution control facilities for purposes of this article; and providing that wind power projects be taxed at the real property rate.

Referred to the Committee on Finance.

By Senator Smith:

Senate Bill 413—A Bill to amend and reenact §46A-6B-3 of the Code of West Virginia, 1931, as amended, relating to the use of aftermarket crash parts by a motor vehicle repair shop; and requiring new original equipment parts be used in order to maintain the manufacturer's warranty.

Referred to the Committee on Transportation and Infrastructure.

By Senator Smith:

Senate Bill 414—A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to termination of parental rights in certain cases; and requiring the Department of Health and Human Resources to file a petition to terminate parental rights when a parent has, on two separate occasions, had their child removed from their care and determined by a court to have subjected that child to abuse or neglect.

Referred to the Committee on the Judiciary.

By Senator Smith:

Senate Bill 415—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt, relating to allowing county commissions to impose an amusement tax.

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

By Senator Smith:

Senate Bill 416—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, §16-2Q-2, §16-2Q-3, §16-2Q-4, §16-2Q-5, §16-2Q-6, §16-2Q-7, §16-2Q-8, §16-2Q-9, §16-2Q-10, and §16-2Q-11, all relating to enacting the Fetal Heartbeat Act; prohibiting abortions when a fetal heartbeat is detected; providing that the article applies only to intrauterine pregnancies; providing exceptions; making findings; providing for severability; establishing standards, requirements, and procedures; requiring documentation; requiring notice and acknowledgments; establishing criminal penalties; permitting civil actions; defining terms; and providing for rulemaking.

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

By Senator Smith:

Senate Bill 417—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-28; to amend said code by adding thereto a new section, designated §26-5-2; and to amend said code by adding thereto a new section, designated §26-9-3, all relating to providing long-term care and substance abuse treatment; authorizing the Secretary of the Department of Health and Human Resources to modernize or build new facilities; requiring certified beds for long-term care and substance abuse treatment; requiring facilities for outpatient substance abuse treatment; requiring the hiring of adequate professional classified staff; and replacing an outdated reference in code to Pinecrest Hospital with the correct name of Jackie Withrow Hospital.

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

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

Senate Bill 418—A Bill to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Economic Development Authority; creating a Small Business and Minority Populations Economic and Workforce Development Taskforce to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment, labor force participation, and economic development problems of small business and low income and minority populations of West Virginia; and developing a pilot project that can be used as a model to promote the growth and development of small business to increase employment and labor force participation across West Virginia.

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

By Senator Sybolt:

Senate Bill 419—A Bill to amend and reenact §61-7-2 of the Code of West Virginia, 1931, as amended, relating to definitions of dangerous weapons; and redefining “firearm” so as not to be more restrictive than the federal definition.

Referred to the Committee on the Judiciary.

By Senator Beach:

Senate Bill 420—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-29-1, §47-29-2, §47-29-3, and §47-29-4, all relating to menstrual product labeling; and providing a civil penalty.

Referred to the Committee on Health and Human Resources.

By Senator Tarr:

Senate Bill 421—A Bill to amend and reenact §21A-2-6 of the Code of West Virginia, 1931, as amended, relating to the general powers and duties of the Commissioner of Workforce West Virginia; and authorizing the agency to hire additional employees to serve at the will and pleasure of the commissioner.

Referred to the Committee on Government Organization.

By Senator Trump:

Senate Bill 422—A Bill to amend and reenact §31B-3-303 of the Code of West Virginia, 1931, as amended, relating to establishing that the intent and policy of the Legislature is that common law corporate “veil piercing” claims may not be used to impose personal liability on a member or manager of a limited liability company; and nullifying the Supreme Court of Appeals of West Virginia’s decision in *Joseph Kubican v. The Tavern, LLC*. 232 W.Va. 268, 752 S.E.2d 299 (2013).

Referred to the Committee on the Judiciary.

By Senator Karnes:

Senate Bill 423—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-16G-10, relating to prohibiting abortion coverage in qualified health care plans issued or renewed on or after January 1, 2022; and providing an exception to the prohibition when a mother’s life is in danger.

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

By Senator Karnes:

Senate Bill 424—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13KK-1, §11-13KK-2, §11-13KK-3, and §11-13KK-4, all relating to creating a fixed income credit for low-income senior citizens; establishing procedures for claiming credit; and defining terms.

Referred to the Committee on Finance.

By Senator Karnes:

Senate Bill 425—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-14, relating to permitting members of public retirement

plans to cash out of their plans by opting to receive, in lieu of regular benefit payments, the total cash value of those benefits.

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

By Senator Karnes:

Senate Bill 426—A Bill to amend and reenact §16-3-10 of the Code of West Virginia, 1931, as amended, relating to clarifying the rights of a parent or legal guardian in declining specific required medication administered to a child at birth; permitting parents or legal guardians of newborn children to refuse certain medication that has been mandated for newborns; requiring that parents and legal guardians be made aware of the dangers of not receiving the otherwise required medication; providing for notation in medical records; providing for limitation of liability; prohibiting a refusal by the parents or legal guardian from being admissible in certain legal actions or investigations of those parents or legal guardians; and prohibiting discipline or penalties to certain health care professionals when a parent or legal guardian has refused or declined the otherwise mandated medication.

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

By Senator Karnes:

Senate Bill 427—A Bill to amend and reenact §22-1-6 of the Code of West Virginia, 1931, as amended, relating to limiting employees of the Department of Environmental Protection from entering private lands for environmental protection purposes to only when there is probable cause to believe a violation exists on the property, a warrant has been obtained for the entry, or the express permission of the property owner has been granted.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 428—A Bill to amend and reenact §15A-9-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §62-12-12 of said code, all relating to transferring the Parole Board to the Office of Administrative Hearings; specifying that the Chief Hearing Examiner be a resident of the state for five years prior to appointment; removing limitations of practice for the Chief Hearing Examiner; requiring that the Governor appoint the Chief Hearing Examiner; requiring that the Governor set the salary of the Chief Hearing Examiner; increasing the number of members of the Parole Board to 10; making the Chief Hearing Examiner a member of the Parole Board; removing the political party affiliation requirement; removing the residency requirements pertaining to congressional districts; requiring that the Chief Hearing Officer shall be chair of the board; clarifying that the remaining nine members of the board serve at the will and pleasure of the Governor, with the advice and consent of the Senate; specifying the powers and duties of the vice chairperson shall be limited to Parole Board duties; removing the authority of the chair to hire an administrative employee; authorizing the Chief Hearing Officer to sit on parole panels as necessary; clarifying that the qualifications for board members may include being a graduate of a federal or state law-enforcement academy; removing the requirement that Parole Board members be appointed for overlapping six-year terms; clarifying that temporary members serve at the will and pleasure of the Governor; exempting the board from open meetings; and requiring that parole hearings be open to the public.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 429—A Bill to amend and reenact §5A-3-3a of the Code of West Virginia, 1931, as amended, relating to exempting the Division of Emergency Management from the Purchasing Division for purposes of examination and approving contracts of the Division of Emergency Management; authorizing the agency for surplus property to transfer funds generated from the sale of vehicles, other equipment, and commodities belonging to the Division of Emergency Management to a special revenue account; creating a special revenue account entitled the West Virginia Division of Emergency Management surplus transfer account; and authorizing the Division of Emergency Management to expend funds in a special revenue account for Statewide Interoperable Radio Network equipment, maintenance, repair, and construction.

Referred to the Committee on Government Organization.

By Senator Weld:

Senate Bill 430—A Bill to amend and reenact §36-3-5 of the Code of West Virginia, 1931, as amended, relating to modifying the form of certain deeds.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 431—A Bill to amend and reenact §18-8-11 of the Code of West Virginia, 1931, relating to authorizing the Department of Education to provide electronic notice of school attendance and satisfactory progress to the Division of Motor Vehicles in lieu of requiring each student to provide a paper notice.

Referred to the Committee on Education.

By Senator Weld:

Senate Bill 432—A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to annual business fees to be paid to the Secretary of State; and including in the definition of “veteran”, as that term pertains to veteran-owned businesses, the legal spouse of a veteran.

Referred to the Committee on Military.

By Senator Smith:

Senate Joint Resolution 9—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to exempting veterans who are 100 percent disabled from paying ad valorem real property taxes; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senator Takubo offered the following resolution:

Senate Concurrent Resolution 8—Requesting the Division of Highways name bridge number 20-077/00-081.90 (20A679), locally known as Dry Branch, carrying S 77 over Dry Branch and WV 79/1 in Kanawha County, the “Fire Chief Kenneth Junior Russell Memorial Bridge”.

Whereas, Kenneth Junior Russell was born in Marting, West Virginia, on October 19, 1944, the son of Elijah Thomas Russell and Monnie Ethel Russell. He was a proud retired coal miner from Carbon Fuel Coal Company where he was a continuous miner at the No. 9 mine; and

Whereas, Kenneth Junior Russell was a charter member of the Cabin Creek Volunteer Fire Department in Eskdale, West Virginia, where he joined on July 30, 1970, and served for 38 years, 30 years of which were as chief, eight years as President of the Cabin Creek Volunteer Fire Department Board of Directors. His significant contributions have been profound to the fire-rescue profession, the organization, and most importantly, the communities of which he so proudly served over his longstanding public service career; and

Whereas, Kenneth Junior Russell's stellar leadership, devotion to duty, and his dedication to fellow emergency workers have always been value-driven through a high sense of integrity, commitment, and compassion. Concerned about providing needed water for the Cabin Creek area, Fire Chief Kenneth Junior Russell, along with members of the Cabin Creek Volunteer Fire Department, worked with West Virginia American Water to provide Cabin Creek residents much needed safe and potable water, and increased fire protection for the Cabin Creek area. Kenneth Junior Russell was presented the Distinguished Mountaineer Award in 2010 by Governor Joe Manchin III; and

Whereas, Kenneth Junior Russell married the love of his life, Linda Joyce Castle in 1962, and the two were married for 34 years. Kenneth Junior Russell passed away on August 27, 2020. He is survived by his daughter, Monnie Kay Russell; daughter in law Tracy Castle; grandson Travis L. Castle and wife Christine; granddaughter Crystal Castle, great-grandson Oscar "Tootie" Castle; brother Frank Russell; brother Glen Russell; sister Dorothy Cockernham and husband Steve; sister Wanda Wood and a plethora of nieces and nephews. He was preceded in death by his wife, Linda Joyce Russell, son Walter Lee Castle, daughter Cinda Russell, father Elijah Thomas Russell, mother Monnie Ethel Russel, and sister Carol Gay; and

Whereas, The Cabin Creek community mourn the loss of their founding chief who served to protect his fellow man and advance the common good, and sympathy on their behalf is extended to his family, loved ones, to his many friends, to members of the Cabin Creek Volunteer Fire Department family with whom he served faithfully and honorably, and to all those who knew and loved him; and

Whereas, It is fitting that an enduring memorial be established to commemorate Fire Chief Kenneth Junior Russell and his contributions to our state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-077/00-081.90 (20A679), locally known as Dry Branch, carrying S 77 over Dry Branch and WV 79/1 in Kanawha County, the "Fire Chief Kenneth Junior Russell Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Fire Chief Kenneth Junior Russell Memorial Bridge"; and, be it

Further Resolved, That the clerk of the Senate is hereby directed to forward a copy of this resolution to the commissioner of the Division of Highways.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 1, Providing for parity of payment for telehealth services between service in-person and service provided through telehealth platform.

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 1 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 1) passed.

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

Eng. Com. Sub. for Senate Bill 1—A Bill to amend and reenact §5-16-7b of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §9-5-28; to amend and reenact §30-1-26 of said code; to amend and reenact §30-3-13a of said code; to amend and reenact §30-14-12d of said code; and to amend and reenact §33-57-1 of said code, all relating to telehealth services; defining terms; requiring the Public Employees Insurance Agency, Medicaid, and specified insurance plans to reimburse for telehealth services at a negotiated rate for virtual telehealth encounters; requiring the Public Employees Insurance Agency, Medicaid, and specified insurance plans to provide reimbursement for a telehealth service on the same basis and at the same rate as if the service is provided in-person for established patients; establishing a registration; permitting health care practitioners licensed in other states, in good standing, to practice in West Virginia using telehealth services and providing rule-making authority and emergency rule-making authority; setting forth requirements for registration; permitting a fee for registration; placing a cap on the fee; permitting physician-patient relationship to begin with an audio-only call or conversation in real time; providing restrictions and exceptions on prescriptive authority; adding criteria to the standard of care related to telehealth services; providing exceptions, and providing for effective date.

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

Com. Sub. for Senate Bill 12, Relating to local health department accountability.

On third reading, coming up in regular order, with the right having been granted on February 19, 2021, for amendments to be received on third reading, was reported by the Clerk.

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

On page ten, section eleven, line sixty-nine, after the word “disease.” by changing the period to a colon and inserting the following proviso: Provided, That the commissioner shall establish a procedure by which adverse determinations by local health departments may be appealed, unless otherwise provided for, for the purpose of ensuring a consistent interpretation of state public health laws and rules of the Department of Health and Human Resources.

On motion of Senator Karnes, the following amendment to the bill (Com. Sub. for S. B. 12) was next reported by the Clerk:

On page eleven, section eleven, lines eighty-five and eighty-six, by striking out the words “is not subject to approval, unless amended, from” and inserting in lieu thereof the words “shall be reviewed and approved, amended and approved, or disapproved within 10 years by”.

Following discussion and a point of inquiry to the President, with resultant response thereto,

The question being on the adoption of the amendment offered by Senator Karnes to the bill, the same was put and did not prevail.

There being no further amendments offered,

The bill, as just amended by Senator Maroney, was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 12 was then read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 12 pass?”

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

The nays were: Baldwin, Beach, Caputo, Hamilton, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Stover, Unger, and Woelfel—13.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 12) passed.

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

Eng. Com. Sub. for Senate Bill 12—A Bill to amend and reenact §16-2-2, §16-2-6, §16-2-7, §16-2-8, §16-2-9, and §16-2-11 of the Code of West Virginia, 1931, as amended, all relating to local health departments; creating definition; permitting members of the appointing authority to serve as nonvoting, ex officio members of the board; providing the nonvoting member shall not be counted against any other criteria for board membership; permitting appointing authority to remove local health department board member; permitting appointing authority of combined board to remove their own appointed members; requiring the commissioner to establish a procedure for adverse determinations by local health department to be appealed, unless otherwise provided; requiring rules adopted, promulgated, and amended by local boards of health have a public comment published in the State Register and the organization's web page; setting forth requirement for notice; requiring written comments received during comment period be presented to appointing authority for approval or disapproval in whole or in part within specified time frames; providing amendments or modifications not approved may be resubmitted; providing that a rule currently in effect is not subject to approval, unless amended, from the county commission or appointing authority; providing emergency rule approval or disapproval procedures within specified time frames; requiring that approved rules shall be filed with the clerk of the county commission or the clerk or the recorder of the municipality, or both, and shall be kept as public records; and requiring state health officer to develop policies and guidelines that each of the local departments must comply with when a statewide public health emergency is declared.

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

Eng. Senate Bill 61, Expanding Coyote Control Program through voluntary assessment on breeding cows.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 61) passed with its title.

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

Eng. Com. Sub. for Senate Bill 244, Making it unlawful for public utility to prohibit customers from hiring contractors to construct, install, or maintain connections to public utility.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips,

Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 244) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 7, Limiting political activity by public employees.

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

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

On page two, section two, line eight, by striking out the words “(5) The Governor;” and inserting in lieu thereof the words “(5) Publicly elected members of the Board of Public Works;”.

Following discussion,

At the request of Senator Trump, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with Senator Trump’s amendment to the bill pending.

Com. Sub. for Senate Bill 42, Creating Zombie Property Remediation Act of 2021.

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.

Senate Bill 67, Relating to authority of Emergency Medical Services Advisory Council.

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

Com. Sub. for Senate Bill 79, Providing fair mechanism for adjudication of requests for relocation of parent with child.

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

Senate Bill 89, Exempting certain kindergarten and preschool programs offered by private schools from registration requirements.

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

Com. Sub. for Senate Bill 182, Authorizing miscellaneous agencies and boards to promulgate legislative rules.

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

Com. Sub. for Senate Bill 270, Providing for collection of tax by hotel marketplace facilitators.

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

Com. Sub. for Com. Sub. for Senate Bill 275, Relating generally to WV Appellate Reorganization Act of 2021.

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

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

On pages thirty-three through thirty-seven, by striking out all of section eleven-a and inserting in lieu thereof a new section, designated section eleven-a, to read as follows:

§23-5-11a. Workers' Compensation Board of Review generally; administrative powers and duties of the board; effective July 1, 2022.

(a) The "Workers' Compensation Board of Review", which may also be referred to as "the Board of Review" or "the board" is hereby continued and granted exclusive jurisdiction over all objections to decisions of the Insurance Commissioner, private carriers, and self-insured employers, whichever is applicable, including any and all matters pending before the Office of Judges after September 30, 2022.

(b) The board consists of five members.

(c) The Governor shall appoint, with the advice and consent of the Senate, five attorneys qualified in accordance with subsection (f) of this section to serve as members of the Board of Review. A member of the Board of Review may be removed by the Governor for official misconduct, incompetence, neglect of duty, gross immorality, or malfeasance and then only after notice and opportunity to respond and present evidence. No more than three of the members of the board may be of the same political party. The Governor shall set the salary of the members of the board: *Provided, however,* That the annual salary of a member of the Board of Review shall not exceed \$125,000. Members are entitled to be reimbursed for actual and necessary travel expenses incurred in the discharge of official duties in a manner consistent with the guidelines of the Travel Management Office of the Department of Administration.

(d) Of the initial appointments of the two additional seats created during the 2021 Regular Session, one member shall be appointed for a term ending December 31, ~~2006~~ 2025; one member shall be appointed for a term ending December 31, 2027.. Thereafter, The appointments shall be for six-year terms.

(e) A member of the Board of Review must, at the time he or she takes office and thereafter during his or her continuance in office, be a resident of this state, be a member in good standing

of the West Virginia State Bar, have a minimum of 10 years' experience as an attorney admitted to practice law in this state prior to appointment and have a minimum of five years' experience in preparing and presenting cases or hearing actions and making decisions on the basis of the record of those hearings before administrative agencies, regulatory bodies or courts of record at the federal, state or local level.

(f) No member of the Board of Review may hold any other office, or accept any appointment or public trust, nor may he or she become a candidate for any elective public office or nomination thereto. Violation of this subsection requires the member to vacate his or her office. No member of the Board of Review may engage in the practice of law during his or her term of office.

(g) A vacancy occurring on the board other than by expiration of a term shall be filled in the manner original appointments were made, for the unexpired portion of the term.

(h) The board shall designate one of its members in rotation to be chair of the board for as long as the board may determine by order made and entered of record. In the absence of the chair, any other member designated by the members present shall act as chair.

(i) The Board of Review shall meet as often as necessary to conduct the board's administrative business and make rules of practice and procedure, at such times and places as the chair may determine. Two members shall be present in order to conduct administrative business and make rules of practice and procedure. All decisions of the board upon administrative matters, pursuant to this section, shall be determined by a majority of the members of the board.

(j) The Board of Review shall, from time to time, promulgate rules of practice and procedure for the review and determination of all objections filed with the board. The board does not have the power to initiate or to promulgate legislative rules as that phrase is defined in §29A-3-1 *et seq.* of this code. Any rules adopted pursuant to this section which are applicable to the provisions of this article are not subject to §29A-3-9 through §29A-3-16 of this code. The board shall follow the remaining provisions of chapter 29A of this code for giving notice to the public of its actions and the holding of hearings or receiving of comments on the rules.

(k) The Board of Review may hire a clerk, hearing examiners, and other professional and clerical staff necessary to carry out the requirements of this article. It is the duty of the clerk of the Board of Review to attend in person, or by deputy, all the sessions of the board, to obey its orders and directions, to take care of and preserve in an office, kept for the purpose, all records and papers of the board and to perform other duties as prescribed by law or required of him or her by the board. All employees of the board serve at the will and pleasure of the board. The board's employees are exempt from the salary schedule or pay plan adopted by the Division of Personnel: *Provided, That for the purpose of any applicable Division of Personnel Class Specifications, hearing examiners must be classified under a class with "attorney" in the class title. All personnel of the Board of Review are under the supervision of the chairman chair of the Board of Review.*

(l) The administrative expenses of the Board of Review shall be included within the annual budget of the Insurance Commissioner, and the Insurance Commissioner shall have administrative authority and oversight over the Board of Review.

(m) The amendments to this section made during the 2021 Regular Session of the Legislature shall become effective on July 1, 2022: *Provided, That the board is authorized to promulgate rules and hire staff, pursuant to subsection (k) and (l) of this section respectively, prior to July 1, 2022.*

to the extent necessary to comply with the requirements of this article that shall become effective on that date.;

And,

On pages fifty-nine through sixty-one, by striking out all of section eight and inserting in lieu thereof a new section, designated section eight, to read as follows:

§51-11-8. Election of judges; initial appointment and election; vacancies; length and conditions of judicial terms.

(a) Judges of the Intermediate Court of Appeals shall be elected on a nonpartisan basis to serve 12-year terms, subject to the exceptions for initial appointments and elections contained in subsection (b) and subsection (c) of this section. Each judge shall be elected by the voters of the counties within the geographical district of the court in which he or she will serve.

(b) *Nomination and appointment to fill initial vacancies.* — The Governor shall appoint, with advice and consent of the Senate, three judges to serve in each district of the Intermediate Court of Appeals. The judges shall be nominated and appointed according to the following procedure:

(1) The Judicial Vacancy Advisory Commission shall, no later than January 1, 2022, compile and certify a list to the Governor of the eight most qualified persons in each district to serve as judges of the Intermediate Court of Appeals: *Provided*, That each person on the list must meet the requirements of §51-11-7 of this code at the time such person will begin his or her term on the court.

(2) The Governor shall review the list certified by the Judicial Vacancy Advisory Commission and nominate three qualified candidates to serve as judge in each judicial district. The Governor shall make his or her nominations without regard to political partisanship or affiliation.

(3) The initial appointment term for each of the judges, at the discretion of the Governor, shall be as follows: one judge shall be selected to serve a two-year term in each district, one judge shall be selected to serve a four-year term in each district, and one judge shall be elected to serve a six-year term in each district.

(4) Upon confirmation by the West Virginia Senate, an individual appointed to serve as a judge for the Intermediate Court of Appeals pursuant to this subsection shall take an oath of office and commence his or her duties on July 1, 2022.

(c) *Initial election of judges.* — The initial election of the judge in each district appointed for an initial term of two years to the Intermediate Court of Appeals shall take place during the primary election of 2024, and each subsequent initial election shall take place as the initial appointed term is ended. For the purposes of the initial election of judges pursuant to this subsection, the Secretary of State shall, in each district, establish three separate divisions corresponding to the judicial terms on the ballot. The candidates for election in each numbered division shall be tallied separately, and the eligible candidate receiving the highest numbers of votes cast within a numbered division in his or her district shall be elected to serve the corresponding judicial term.

(d) *Regular election of judges.* — Following the initial election of judges pursuant to subsection (c) of this section, during the primary election in every year during which a sitting judge's term will

expire, a judge shall be elected to each district of the Intermediate Court of Appeals to serve a 12-year term commencing on July 1 of that year.

(e) Vacancies. — If a vacancy arises before the expiration of a judicial term, the vacancy shall be filled by the same nomination and appointment process provided in subsection (b) of this Code, subject to the following requirements:

(1) The list of candidates for a single vacancy, submitted to the Governor by the Judicial Vacancy Advisory Commission, shall include the names of no more than the five nor less than the two most qualified persons to fill the judicial vacancy in the Intermediate Court of Appeals.

(2) If the vacancy occurs less than two years and seven months before the expiration of the original term, the judge shall be appointed to fill the vacancy for the length of the unexpired term.

(3) If the vacancy occurs more than two years and seven months before the expiration of the original term, the vacancy shall initially be filled by the nomination and appointment process, followed by a subsequent election, during the next occurring primary election, to fill the vacancy for the length of the unexpired term.

(f) The judges of each district of the West Virginia Intermediate Court of Appeals shall periodically select one judge to serve as chief judge for their respective district, pursuant to rules promulgated by the Supreme Court of Appeals.

(g) No person sitting as a judge of the Intermediate Court of Appeals may retain his or her position as judge upon becoming a candidate for any elected public office, judicial or nonjudicial.

(h) The Legislature recognizes that the Chief Justice of the West Virginia Supreme Court of Appeals has authority to temporarily assign judges to the Intermediate Court of Appeals pursuant to section eight, article VIII of the Constitution of West Virginia, in the event that a judge is temporarily unable to serve on the court.

On motion of Senator Hamilton, the following amendment to the bill (Com. Sub. for Com. Sub. for S. B. 275) was next reported by the Clerk:

On page sixty-three, after line six, by inserting the following:

CHAPTER 56. PLEADING AND PRACTICE.

ARTICLE 6. TRIAL.

§56-6-31. Interest on judgment or decree.

(a) Except where it is otherwise provided by law, every judgment or decree for the payment of money, whether in an action sounding in tort, contract, or otherwise, entered by any court of this state shall bear simple, not compounding, interest, whether it is stated in the judgment decree or not.

(b) Prejudgment — In any judgment or decree that contains special damages, as defined below, or for liquidated damages, the court may award prejudgment interest on all or some of the amount of the special or liquidated damages, as calculated after the amount of any settlements. Any such amounts of special or liquidated damages shall bear simple, not compounding, interest.

Special damages include lost wages and income, medical expenses, damages to tangible personal property and similar out-of-pocket expenditures, as determined by the court. If an obligation is based upon a written agreement, the obligation bears prejudgment interest at the rate and terms set forth in the written agreement until the date the judgment or decree is entered and, after that, the judgment interest is the same rate as provided for below in subsection (c) of this section.

(1) Notwithstanding the provisions of section five [§ 47-6-5], article six, chapter forty-seven of this code, the rate of prejudgment interest is two percentage points above the Fifth Federal Reserve District secondary discount rate in effect on January 2, of the year in which the right to bring the action has accrued, as determined by the court and that established rate shall remain constant from that date until the date of the judgment or decree, notwithstanding changes in the federal reserve district discount rate in effect in subsequent years prior to the date of the judgment or decree: *Provided*, That the rate of the prejudgment interest may not exceed nine percent per annum or be less than four percent per annum. The administrative office of the Supreme Court of Appeals shall annually determine the prejudgment interest rate to be paid upon judgment or decrees for the payment of money and shall take appropriate measures to notify the courts and members of the West Virginia State Bar of the rate of interest in effect for the calendar year in question. Once the rate of prejudgment interest is established as provided in this section, that established rate shall remain constant for the prejudgment interest for that particular judgment or decree, notwithstanding changes in the Federal Reserve District discount rate in effect in subsequent years.

(2) Notwithstanding subsection (b)(1) of this section and section five, article six, chapter forty-seven of this code, for all cases in which the right to bring the action accrued prior to 2009, the court may award prejudgment interest on all or some of the amount of the special or liquidated damages, as calculated after the amount of any settlement, at the interest rate that was in effect as of January 2, of the year in which the right to bring the action accrued.

(c) Post-judgment — Notwithstanding the provisions of section five, article six, chapter forty-seven of this code, the rate of post-judgment interest on judgments and decrees for the payment of money is two percentage points above the Fifth Federal Reserve District secondary discount rate in effect on January 2, of the year in which the judgment or decree is entered: *Provided*, That the rate of post-judgment interest may not exceed nine percent per annum or be less than four percent per annum. The administrative office of the Supreme Court of Appeals shall annually determine the post-judgment interest rate to be paid upon judgments or decrees for the payment of money and shall take appropriate measures to promptly notify the courts and members of the West Virginia State Bar of the rate of interest in effect for the calendar year in question. Once the rate of interest is established by a judgment or decree as provided in this section that established rate shall after that remain constant for that particular judgment or decree, notwithstanding changes in the Federal Reserve District discount rate in effect in subsequent years.

(d) Notwithstanding subsection (c) of this section, the post-judgment interest on judgments and decrees for the payment of money is two times the rate which would otherwise apply under subsection (c) for any period of time that the judgment or decree is pending on appeal before the West Virginia Intermediate Court of Appeals and the West Virginia Supreme Court of Appeals.

~~(d)~~ (e) Amendments to this section enacted by the Legislature during the 2017 regular session become effective January 1, 2018.

Following extended discussion,

The question being on the adoption of Senator Hamilton's amendment to the bill, the same was put and did not prevail.

Following a point of inquiry to the President, Senator Romano moved that the Senate reconsider its action by which immediately hereinbefore it rejected Senator Hamilton's amendment to the bill (Com. Sub. for Com. Sub. for S. B. 275).

The question being on the adoption of Senator Romano's reconsideration motion, and on this question, Senator Romano demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Caputo, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Martin, Plymale, Romano, Stollings, Stover, Unger, Woelfel, and Woodrum—16.

The nays were: Azinger, Boley, Clements, Karnes, Maroney, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, and Blair (Mr. President)—17.

Absent: Weld—1.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Romano's reconsideration motion had not prevailed.

Thereupon, the bill (Com. Sub. for Com. Sub. for S. B. 275), as amended by Senator Tarr, was then ordered to engrossment and third reading.

Senate Bill 296, Relating generally to repealing certain rules.

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

Senate Bill 372, Providing greater discretion to WV Board of Medicine to approve graduate clinical training.

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

The Senate proceeded to the tenth order of business.

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

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

And,

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on February 22, 2021:

Senate Bill 30: Senator Swope.

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 22, 2021:

Senate Bill 30: Senator Hamilton;

Senate Bill 74: Senator Swope;

Senate Bill 80: Senator Swope;

Senate Bill 85: Senator Swope;

Senate Bill 87: Senator Swope;

Senate Bill 121: Senator Nelson;

Senate Bill 286: Senator Swope;

Senate Bill 298: Senator Karnes;

Senate Bill 324: Senator Swope;

Senate Bill 356: Senator Karnes;

Senate Bill 375: Senator Maroney;

Senate Bill 376: Senator Plymale;

Senate Bill 378: Senators Phillips, Woelfel, and Romano;

Senate Bill 379: Senators Plymale, Phillips, and Woelfel;

Senate Bill 380: Senator Romano;

Senate Bill 381: Senators Lindsay, Caputo, Roberts, Clements, Phillips, Woelfel, Stollings, Romano, and Beach;

Senate Bill 384: Senators Lindsay, Woelfel, and Romano;

Senate Bill 388: Senator Phillips;

Senate Bill 390: Senator Stollings;

Senate Bill 391: Senators Roberts and Woelfel;

Senate Bill 392: Senator Lindsay;

Senate Bill 394: Senators Stollings, Romano, Beach, and Baldwin;

And,

Senate Joint Resolution 8: Senator Karnes.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:52 p.m., the Senate adjourned until tomorrow, Wednesday, February 24, 2021, at 11 a.m.

SENATE CALENDAR

**Wednesday, February 24, 2021
11:00 AM**

UNFINISHED BUSINESS

S. C. R. 8 - Fire Chief Kenneth Junior Russell Memorial Bridge

THIRD READING

Eng. S. B. 67 - Relating to authority of Emergency Medical Services Advisory Council

Eng. Com. Sub. for S. B. 79 - Providing fair mechanism for adjudication of requests for relocation of parent with child

Eng. S. B. 89 - Exempting certain kindergarten and preschool programs offered by private schools from registration requirements

Eng. Com. Sub. for S. B. 182 - Authorizing miscellaneous agencies and boards to promulgate legislative rules (original similar to HB2446)

Eng. Com. Sub. for S. B. 270 - Providing for collection of tax by hotel marketplace facilitators

Eng. Com. Sub. for Com. Sub. for S. B. 275 - Relating generally to WV Appellate Reorganization Act of 2021

Eng. S. B. 296 - Relating generally to repealing certain rules (original similar to HB2513)

Eng. S. B. 372 - Providing greater discretion to WV Board of Medicine to approve graduate clinical training

SECOND READING

Com. Sub. for S. B. 7 - Limiting political activity by public employees - (Amend. pending)

Com. Sub. for S. B. 42 - Creating Zombie Property Remediation Act of 2021

Com. Sub. for S. B. 53 - Providing person criminally responsible for another's death may not be involved in burial arrangements

S. B. 396 - Providing limitations on nuisance actions against fire department or EMS fixed sirens

FIRST READING

Com. Sub. for S. B. 80 - Allowing for administration of certain small estates by affidavit and without appointment of personal representative

Eng. H. B. 2019 - Elevating Economic Development and Tourism Departments (original similar to SB274)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2021

Wednesday, February 24, 2021

10 a.m.	Workforce	(Room 208W)
1 p.m.	Economic Development	(Room 208W)
2 p.m.	Pensions	(Room 451M)
2 p.m.	Agriculture & Rural Development	(Room 208W)