

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Friday, March 5, 2021

The Senate met at 11:05 a.m.

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

Prayer was offered by the Honorable Robert D. Beach, a senator from the thirteenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Dave Sypolt, a senator from the fourteenth district.

Pending the reading of the Journal of Thursday, March 4, 2021,

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

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

The Senate then proceeded to the third order of business.

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

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

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

Eng. Senate Bill 459, Relating to return of member's paid contributions to heirs after member's death under certain circumstances.

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 2002—A Bill to repeal §31G-1-6, §31G-1-9, and §31G-1-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §17-2E-2, §17-2E-3, §17-2E-5, §17-2E-6, §17-2E-7, §17-2E-8, and §17-2E-9 of said code; to amend and reenact §24D-1-1, §24D-1-2, §24D-1-9, §24D-1-15, §24D-1-16, §24D-1-21, and §24D-1-26 of said code; to amend and reenact §31G-1-2 and §31G-1-4 of said code; to amend and reenact §31G-4-1 and §31G-4-2 of said code; to amend said code by adding thereto two new sections, designated §17-2E-10 and §17-2E-11; to amend said code by adding thereto a new article, designated §31G-1A-1, §31G-1A-2, §31G-1A-3, §31G-1A-4, §31G-1A-5, §31G-1A-6, §31G-1A-7, §31G-1A-8, §31G-1A-9, and §31G-1A-10; to amend said code by adding thereto a new section, designated §31G-3-3; and to amend said code by adding thereto a new article, designated §31G-6-1, §31G-6-2, and §31G-6-3 of said code, all relating to providing statutory framework to support, encourage, and expedite the expansion of broadband throughout the state of West Virginia; modifying the definition of “telecommunications carrier”; establishing requirements for agreements between the Division of Highways and an entity seeking to install telecommunications facilities; providing for in-kind contribution as a required term of agreement; establish process for Division of Highways to approve or deny application; requiring the Division of Highways provide a consolidated checklist or flow chart of all state or federal regulatory requirements; providing that the provisions of this article shall apply to all installations of any kind which necessitate disturbance of ground for a length of 1,000 feet or greater in a right-of-way owned or controlled by the Division of Highways; requiring notice to the Office of Broadband of a telecommunication entity’s intent to seek construction in division’s right-of-way; providing the Office of Broadband is responsible for ensuring compliance with certain terms and will provide the Division of Highways and the applicant with certification of such compliance; allowing a utility to apply to share trench with telecommunications carrier; providing the Office of Broadband the authority to issue certificates of compliance to the Division of Highways and applicant; requiring Office of Broadband create, seek approval for, and update a formula or matrix to determine fair market value and in kind compensation for carriers use of rights-of-way or telecommunications facilities owned by the Division of Highways; providing Division of Highways the authority to allow carriers the use of excess telecommunications facilities; allowing Division of Highways to transfer or assign ownership of in-kind compensation or excess telecommunications facilities to another state agency upon approval by Governor; requiring that telecommunications facilities who share trench share responsibility of compensating Division of Highways; allowing Division of Highways to require a carrier bear joint and several liability; requiring agreements to provide that two or more carriers sharing obligations must allow Division of Highways to review or audit those agreements; providing rulemaking authority to Division of Highways; establishing additional requirements for Division of Highways related to broadband installation, permitting, pathways, access, and contractor requirements; adding broadband telecommunications to Chapter on cable television and cable television system act for certain purposes; defining “broadband” or “broadband service” and “broadband operator”; establishing requirements for broadband operators related to installation and construction; requiring broadband operators to indemnify the state for installation, operation, and maintenance; establishing requirements for broadband operator related to easement; providing requirements for broadband operators to restore interrupted service; requiring broadband operator to credit subscribers for interruptions in service of more than 24 hours; establishing that broadband providers may not deny access based upon certain factors; providing that broadband service is not a utility or subject to utility regulation; defining “applicable codes” “unserved area” and “underserved”; defining powers and duties of Broadband Enhancement Council; providing the Broadband Enhancement Council and Office of Broadband coordinate on bringing broadband service to unserved and underserved areas; providing Broadband Enhancement Council publicly report to the Secretary of Commerce on or before December 1 annually; creating the Office of Broadband within the Economic Development Office and under the Department of Commerce; creating the position of, and requirements for, the

Director of the Office of Broadband; establishing the powers and duties of the Office of Broadband; requiring the Office of Broadband report annually to the Joint Committee on Government and Finance; requiring the Office of Broadband to map broadband in the state and establish an interactive public map; requiring certain executive agencies to cooperate and provide information to the Office of Broadband regarding AREA maps; requiring Office of Broadband Report to the Joint Committee on Technology regarding AREA maps at specified times; allowing Office of Broadband to retain outside expert consultants; providing authority to Office of Broadband to educate public on broadband service issues; allowing Office of Broadband to establish a voluntary data collection program; providing that information collected in program not subject to the Freedom of Information Act; establishing, by Office of Broadband, requirements of data collection program to be submitted to the Legislature; requiring the Office of Broadband to create guidelines for voluntary donation of rights away and similar structures to facilitate broadband development; allowing Office of Broadband to create guidelines and recommend to legislature an easement program to facilitate broadband service; allowing Office of Broadband to seek funding and grants; establishing process to protect proprietary business information provided to the Office of Broadband; excluding proprietary business information from production under the Freedom of Information Act; providing criminal penalties for unauthorized disclosure of confidential and proprietary information; providing rulemaking authority to the Office of Broadband; establishing requirements for counties, municipalities, and political subdivisions regarding installation of conduit; defining “applicable codes”; providing for preemption of West Virginia Code and Code of State Rules and ordinances relating to installation of certain broadband equipment; providing for scheme of construction of language of private agreements relating to exterior installation of antennas and related equipment; providing for preemption of West Virginia Code and Code of State Rules and ordinances relating to pole attachment of certain broadband equipment; providing for scheme of construction of language of private agreements relating to pole attachment; and requiring broadband operators receiving public funds to testify, upon request, under oath before the Legislature.

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. Com. Sub. for House Bill 2013—A Bill to amend and reenact §18-8-1 and §18-8-1a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-9A-25; and to amend said code by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, §18-31-9, §18-31-10, §18-31-11, §18-31-12, and §18-31-13, all relating to establishing the Hope Scholarship Program; providing for a short title and definitions; establishing the framework for the scholarship and establishing guidelines; creating the West Virginia Hope Scholarship Board and providing for membership qualifications therein; creating a process for awarding scholarships; establishing funding mechanisms for the scholarships; establishing qualified expense requirements; creating a renewal process for the scholarship; creating an administration process for the scholarships; establishing an auditing mechanism for the scholarships and potential suspension system for providers; creating requirements and right of education service providers; establishing responsibilities of resident school districts; and providing for legal proceedings and severability.

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

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

Eng. Com. Sub. for House Bill 2025—A Bill to amend and reenact §7-1-3ss of the Code of West Virginia, 1931, as amended, to amend and reenact §11-16-3, §11-16-9, and §11-16-18 of said code; to amend said code by adding thereto two new sections, designated §11-16-6d and §11-16-11c; to amend said code by adding thereto two new sections, designated §19-2-12 and §19-2-13; to amend and reenact §60-1-5a of said code; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend and reenact §60-6-8 of said code; to amend and reenact §60-7-2, §60-7-6, and §60-7-12 of said code; to amend said code by adding thereto five new sections, designated §60-7-8b, §60-7-8c, §60-7-8d, §60-7-8e, and §60-7-8f; to amend and reenact §60-8-2, §60-8-3, §60-8-4, §60-8-18, §60-8-29 and §60-8-34 of said code; to amend said code by adding thereto four new sections, designated §60-8-6c, §60-8-6d, §60-8-6e, and §60-8-32a; to amend said code by adding thereto a new article, designated §60-8A-1, §60-8A-2, §60-8A-3, §60-8A-4, §60-8A-5, and §60-8A-6; and to amend and reenact §61-8-27 of said code, all relating to nonintoxicating beer, nonintoxicating craft beer, liquor, wine, and hard cider sales in this state; providing for a definition of light alcoholic beverages; providing for the authority and license to deliver nonintoxicating beer or nonintoxicating craft beer with requirements, no additional fee for certain licensees, a license fee for third parties, and a nonintoxicating beer retail transportation permit with requirements; providing certain licensees with the authority for nonintoxicating beer, nonintoxicating craft beer, outdoor dining, and outdoor street dining; authorizing in-person or in-vehicle pick up of purchased food and nonintoxicating beer or nonintoxicating beer orders-to-go; creating an unlicensed brewer or home brewer temporary license for use at fairs and festivals, requirements, and a license fee; providing for changing the beginning time for nonintoxicating beer, nonintoxicating craft beer, liquor, and wine sales to begin at 6:00 a.m. on all days; relating to the manufacture and sale of hard cider and wine by establishing the Agriculture Development Fund; establishing permitted expenditures from the Agriculture Development Fund; creating a new program to develop hard cider; providing for wine definitions; clarifying various aspects of wine, specifically the alcohol by volume percentage for table wine, wine, and fortified wine; adding the definition of “nonfortified dessert wine”; creating a private manufacturer club license for distilleries, mini-distilleries, micro-distilleries, wineries, and farm wineries, requirements, and a license fee; authorizing distilleries, mini-distilleries, and micro-distilleries to also operate wineries, farm wineries, brewers, and resident brewers; authorizing wineries and farm wineries to also operate as distilleries, mini-distilleries, micro-distilleries, brewers, and resident brewers; authorizing the ability to pre-mix alcoholic liquors, establishing certain requirements, and creating a permit; creating private caterer license, requirements, and license fee; creating a private club bar license, requirements, and license fee; creating a private club restaurant license, requirements, and license fee; creating a private manufacturer club license, requirements, and license fee; authorizing a distillery, mini-distillery, or micro-distillery to also obtain a winery or farm winery license; authorizing a winery or farm winery to also obtain a distillery, mini-distillery, or micro-distillery license; creating a private tennis club license, requirements, and license fee; creating a private wedding venue or barn license, requirements, and license fee; creating a one-day charitable rare, antique, or vintage liquor auction license for charitable purposes, requirements, and license fee; creating a private multi-vendor fair and festival license, requirements, and license fee; providing for a reduction of certain fees; creating private outdoor dining and private outdoor street dining areas as legally demarcated areas that are not a public place; authorizing and creating craft cocktail growlers and requirements, and a private cocktail delivery permit; authorizing in-person or in-vehicle pick up of purchased food and craft cocktail growler orders-to-go; clarifying penalties for failure to meet wine licensure requirements; replacing wine bond requirements that secure the payment of taxes by distributors, suppliers, certain

wineries, and certain farm wineries, who are acting as either suppliers or distributors in a limited capacity, with an affidavit of compliance; providing penalties for failure to pay taxes and maintain good standing with the state; authorizing wineries and farm wineries to sell wine growlers and establishing requirements; authorizing certain Class A and Class B licensees to sell wine growlers and establishing requirements; creating the authority and license to deliver wine with a private wine delivery license, requirements, no additional fee for certain licensees, a license fee for third parties, and a private wine retail transportation permit and requirements; creating private wine outdoor dining and private wine outdoor street dining areas as legally demarcated areas that are not a public place; authorizing in-person or in-vehicle pick up of purchased food and wine orders-to-go; providing that there is no separate license required to manufacture and sell hard cider under certain conditions; providing for a hard cider distributor's license and permitting other current and valid licensees to distribute hard cider without an additional license fee; providing for hard cider exemptions to the wine liter tax; establishing a hard cider gallon tax; providing for the application of West Virginia Tax Procedures and Administration Act and West Virginia Tax Crimes and Penalties Act to the hard cider gallon tax; providing for an internal effective date; providing for a tax credit against the hard cider tax; providing for applicability of other laws; requiring regular reports to the Tax Commissioner; providing for applications to import products necessary to manufacture hard cider under certain conditions; providing for hard cider sales for consumption on the licensed premises; providing for complimentary samples to be offered; establishing requirements for complimentary samples; permitting the sale of wine growlers; establishing wine growler requirements, in certain circumstances; and providing additional exceptions to the criminal penalty for the unlawful admission of children to dance house for certain private clubs with approved age verifications systems.

Referred to the Committee on the Judiciary.

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

House Concurrent Resolution 23—Declaring March 4, 2021 to be Sexual Assault Awareness Day in West Virginia.

Referred to the Committee on Rules.

The Senate proceeded to the fourth order of business.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 4th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 14), Providing for additional options for alternative certification for teachers.

And,

(H. B. 2262), Relating to the controlled substance monitoring database.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.

Dean Jeffries,
Chair, House Committee.

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

Your Committee on Government Organization has had under consideration

Senate Bill 351, Declaring Israel as prominent trading partner.

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

Com. Sub. for Senate Bill 351 (originating in the Committee on Government Organization)—
A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, and §5-30-5, all relating to state contracts; declaring Israel a prominent trading partner; prohibiting state contracts without certain written certification; prohibiting adoption of procurement, investment, or other policy that requires a person to boycott the government of Israel; authorizing approval of contracts and waiving of applications; and defining terms.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 351), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration

Senate Bill 466, Expanding and clarifying definition of “appraisal management companies”.

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

Com. Sub. for Senate Bill 466 (originating in the Committee on Government Organization)—
A Bill to amend and reenact §30-38-3, §30-38-4, §30-38-6, §30-38-11, and §30-38-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-38A-3, §30-38A-4, §30-38A-8, and §30-38A-10 of said code, all relating to real estate appraisal; clarifying requirement that classification and license or certification number be shown on documents; authorizing real estate appraisal licensing and certification board to hire certain persons; clarifying definition of “appraisal management company” for purposes of Appraisal Management Companies Registration Act;

expanding list of individuals prohibited from owning registered appraisal management companies; requiring owners of more than 10 percent of appraisal management company to submit to background check; and making technical changes throughout.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
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 475, Dedicating certain fees collected by agencies and licensing boards to General Revenue Fund.

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

Com. Sub. for Senate Bill 475 (originating in the Committee on Finance)—A Bill to amend and reenact §21-1-5 of the Code of West Virginia, 1931, as amended, relating to dedicating fees collected by the Division of Labor to General Revenue Fund; providing for exceptions; and setting out an effective date.

With the recommendation that the committee substitute 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 498, Amending definition of “sexual contact”.

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

Com. Sub. for Senate Bill 498 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-8B-1 of the Code of West Virginia, 1931, as amended, relating to modifying the definition of “sexual contact”; and removing the element that the parties not being married to each other from the definition.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 517, Relating to sunset provisions of legislative rules.

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

Com. Sub. for Senate Bill 517 (originating in the Committee on Government Organization)—
A Bill to amend and reenact §29A-3-19 of the Code of West Virginia, 1931, as amended, relating to sunset provisions of legislative rules; removing the five-year sunset requirement for new legislative rules after initial five-year sunset provision; requiring all legislative rules to sunset on July 1 of the applicable year effective July 1, 2021; authorizing the Secretary of State to modify all active legislative rules with sunset provisions in accordance with this requirement; and requiring the Secretary of State to file a notice of sunset in the State Register upon the expiration of a legislative rule.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2001, Relating generally to creating the West Virginia Jumpstart Savings Program.

And has amended same.

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

Respectfully submitted,

Patricia Puertas Rucker,
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

Eng. Com. Sub. for House Joint Resolution 1, Education Accountability Amendment.

And has amended same.

And reports the same back with the recommendation that it be adopted, as amended; 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, with an amendment from the Committee on the Judiciary pending.

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 Lindsay:

Senate Bill 561—A Bill to repeal §3-3-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1-34 and §3-1-41 of said code; to amend and reenact §3-1A-5 of said code; to amend and reenact §3-2-25 and §3-2-27 of said code; to amend and reenact §3-3-1, §3-3-1a, §3-3-2, §3-3-2a, §3-3-3, §3-3-5, §3-3-9, §3-3-10, and §3-3-12 of said code; to amend and reenact §3-4A-19 of said code; to amend and reenact §3-5-13 and §3-5-17 of said code; to amend and reenact §3-6-6, §3-6-7, and §3-6-9 of said code; to amend said code by adding thereto a new section, designated §3-9-14; and to amend and reenact §3-9-19 of said code, all relating to modernization of procedures for voting in public elections; modifying voter identification procedure at the polls; removing authority of election commissioners and poll clerks to dispute voter claims of disability; providing for distribution of informational materials and periodic updates thereof; revising the procedure to declare voters inactive on registration lists; authorizing all registered voters to vote absentee ballot by mail; simplifying the requirements for an emergency absentee ballot; providing for secure receipt of hand-delivered absentee ballots; specifying security and accessibility requirements for early voting locations; providing for stand-alone drop-off locations for deposit of completed absentee ballots; revising time requirements and deadlines; eliminating restrictions on in-person and absentee voting for elections held on Saturdays; revising terms and procedures for casting an absentee ballot by mail; reforming the procedures and grounds for challenging an absentee ballot; specifying the form and printed text of envelopes for absentee ballots; establishing a prec canvass procedure for ballots received in advance of Election Day; authorizing voter cure for potentially deficient absentee ballots; establishing a criminal offense of coercion and intimidation of a voter; defining a criminal offense of unauthorized marking of another person's absentee ballot; providing criminal penalties for violations; and correcting citations and grammar throughout.

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

By Senator Trump:

Senate Bill 562—A Bill to amend and reenact §49-4-712 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto nine new sections, designated §49-4-727, §49-4-728, §49-4-729, §49-4-730, §49-4-731, §49-4-732, §49-4-733, §49-4-734, and §49-4-735, all relating to juvenile competency proceedings generally; creating a process to raise and resolve questions of a competency in juvenile delinquency matters; defining terms; creating a rebuttable presumption that juveniles 14 years of age and older are competent to proceed; creating a rebuttable presumption that juveniles under 14 years of age are incompetent to

proceed; requiring the appointment of a guardian ad litem when a juvenile is determined to be incompetent; requesting the Supreme Court to establish a training program for guardians ad litem; establishing time frames for jurisdiction and competency attainment services; and establishing procedures for competency hearings.

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 563—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, relating to banning medical abortions using RU-486.

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

By Senators Ihlenfeld and Smith:

Senate Bill 564—A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §6B-4-1, §6B-4-2, §6B-4-3, §6B-4-4, §6B-4-5, §6B-4-6, §6B-4-7, and §6B-4-8, all relating to the Office of the State Inspector General; establishing an annual salary; establishing the Office of the State Inspector General; powers and duties of office; appointment and removal; reappointment; authority to engage in a criminal investigation; duty to investigative report; submission of annual report to Legislature; authority to investigate complaints, including authority to issue subpoenas; authority to apply to courts for orders of contempt; mandate to establish a code of ethics for the conduct of state business; authority upon evidence of a violation of the code of ethics; authority upon a finding of malfeasance, nonfeasance, misappropriation, fraud, or other misconduct in the conduct of state business; authority upon evidence of criminal activity; procedure for appointment of inspector as a special prosecutor; confidentiality of disclosed information to Inspector General; confidentiality of investigative records; and criminal penalty for knowingly and intentionally disclosing confidential information or records.

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

By Senators Roberts and Takubo:

Senate Bill 565—A Bill to amend and reenact §3-1-16 and §3-1-17 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §3-1A-9; to amend and reenact §3-2-6, §3-2-11, §3-2-23, and §3-2-25 of said code; to amend and reenact §3-3-1, §3-3-3, §3-3-5, and §3-3-5c of said code; to amend and reenact §3-7-6 and §3-7-7 of said code; to amend and reenact §3-8-2b of said code; to amend and reenact §3-9-13 of said code; to amend said code by adding thereto a new section, designated §3-9-21; and to amend and reenact §51-2A-5 of said code, all relating to the deadline for electronically submitted voter registration applications; runoffs for nonpartisan elections of Justices of the Supreme Court of Appeals, circuit courts, magistrate courts, and family courts when no candidate receives at least fifty percent of the total votes cast for that office; changing the time period of voting inactivity required for county clerks to initiate the confirmation notice mailing process designed to identify voters who may have moved without filing a forwarding address, moved with a forwarding address under another name, died in a another county or state so that the certificate of death was not returned to the clerk of the county commission, or who otherwise have become ineligible, from four years to two years; changing the deadline by which voters may submit their absentee-by-mail and emergency absentee ballot requests consistent with United States Postal Services recommendations effective January 1, 2022; changing the start and end date for early in-person voting; giving eligible citizens the affirmative choice to register to vote at any Department of Motor

Vehicles office; requiring jury duty excusal information for out-of-state, non-citizen, and deceased persons to be transmitted to the appropriate election official for voter registration roll maintenance purposes; to permit voter registration roll removal of voters considered mentally incompetent by a licensed medical professional; requiring disclosures on political push-polls and prerecorded political telephone messages; prohibiting candidates from giving personal or business gifts to any non-family member, non-educational institution, or unregistered charity or nonprofit within 60 days of an election and exceptions; extending an electronic absentee ballot transmission option to first responders called out-of-state in emergency situations which prevents said voters from participating in the election and to voters qualified for an emergency absentee ballot; changing jurisdiction of election contests for county, district, and municipal elections to the circuit courts; clarifying procedures for election contests; establishing three-judge circuit court panel as the tribunal for hearing an election contest; providing for appeals of such proceedings to the Supreme Court of Appeals; granting rule-making authority to the Supreme Court of Appeals for the conduct of county, district, and municipal election contest proceedings; prohibiting interference with voters' open and accessible ingress and egress to and from the polls during the early in-person and election day voting periods; and relating to the regulation of non-public funding sources for election administration and related expenses.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 566—A Bill to amend and reenact §18-3-6 of the Code of West Virginia, 1931, as amended, relating to upholding and applying the Superintendent of Schools' interpretation of school law and State Board of Education rules.

Referred to the Committee on the Judiciary.

By Senator Stollings:

Senate Bill 567—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-60-1, relating to requiring health benefit plans to provide insurance to persons without regard to their health status; prohibiting insurers from denying health benefits to persons based upon their health status; prohibiting insurer from using genetic information in decisions regarding premium, deductible, copay or coinsurance; prohibiting insurer from using claims information in decisions regarding premium, deductible, copay or coinsurance; prohibiting insurers from establishing lifetime limits; requiring insurers to provide minimum coverages for health benefit insurance; and requiring the Insurance Commissioner set annual limits on deductibles and cost sharing.

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

By Senator Azinger:

Senate Bill 568—A Bill to amend and reenact §15-5-6 of the Code of West Virginia, 1931, as amended, relating to the emergency powers of the Governor; when the Governor may be required to convene a special session of the Legislature; defining actions of state government or political subdivisions that are prohibited during states of emergency; authorizing legal actions or actions in equity by persons or businesses aggrieved by governmental violations, together with the award of costs and fees to prevailing plaintiffs; and ending the mask mandate imposed by the Governor upon passage.

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

By Senator Azinger:

Senate Bill 569—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to damages for medical monitoring; establishing requirements for an order for payment of medical monitoring expenses; and providing that an increased risk of disease is not a compensable basis for damages in any civil action.

Referred to the Committee on the Judiciary.

By Senators Phillips, Martin, Stover, and Smith:

Senate Bill 570—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 denying institutions of higher education the authority to restrict or regulate the carrying of a concealed deadly weapon by a person who holds a current license to carry a concealed deadly weapon; providing exceptions as to when regulation may occur; and designating these amendments as the Campus Self Defense Act.

Referred to the Committee on the Judiciary.

By Senators Baldwin and Lindsay:

Senate Bill 571—A Bill to amend and reenact §11-21-22 and §11-21-22b of the Code of West Virginia, 1931, as amended, relating to providing an earned income tax credit against the personal income tax.

Referred to the Committee on Finance.

By Senator Phillips:

Senate Bill 572—A Bill to repeal §61-11-2 of the Code of West Virginia, 1931, as amended; to repeal §62-3-15 of said code; to amend and reenact §61-2-2 of said code; to amend said code by adding thereto seven new sections, designated §61-2-2a, §61-2-2b, §61-2-2c, §61-2-2d, §61-2-2e, §61-2-2f, and §61-2-2g; and to amend said code by adding thereto four new sections, designated §62-7-4, §62-7-5, §62-7-6, and §62-7-6a, all relating to the Patrolman Cassie Marie Johnson Memorial Act and the death penalty for first degree murder; procedures, standards and findings applicable to imposition thereof in certain instances including aggravating and mitigating circumstances; sentencing; providing automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid testing of biological material in death penalty cases; providing for execution of the death sentence by lethal injection; providing for delivery of sentence of death to officer retaining custody of person so sentenced; providing for transmission of indictment, order of conviction, sentence and judgment entered thereon to the warden of the state correctional facility; transfer of person sentenced to death to the state correctional facility; execution; providing presence of certain persons be requested for the execution; providing for certification that sentence of death has been executed; and providing for disposition of the body.

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

By Senator Smith:

Senate Bill 573—A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to requiring disclaimers on third-party, nongovernment solicitations of services for filing business annual reports with the Secretary of State; and creating criminal and civil penalties.

Referred to the Committee on the Judiciary.

By Senator Hamilton:

Senate Bill 574—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-14, relating to prioritizing county and municipal officials to receive the COVID-19 vaccine if they so desire.

Referred to the Committee on Health and Human Resources.

By Senator Baldwin:

Senate Bill 575—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25, relating to creating a tax credit for individuals who successfully complete a firearms safety course.

Referred to the Committee on Finance.

By Senator Phillips:

Senate Bill 576—A Bill to amend and reenact §15-2-10 of the Code of West Virginia, 1931, as amended, relating to requiring the West Virginia State Police to provide medical and hospital coverage for an illness or injury received by a member while performing services in the line of duty.

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

By Senators Phillips and Stollings:

Senate Bill 577—A Bill to amend and reenact §16-4C-23 of the Code of West Virginia, 1931, as amended, relating to exempting certain fire departments from licensure requirements for the provision of rapid response services.

Referred to the Committee on Government Organization.

By Senator Ihlenfeld:

Senate Bill 578—A Bill to amend and reenact §61-5-27 of the Code of West Virginia, 1931, as amended, relating to removing the requirement for the likelihood of imminent lawless action of a violent nature that could cause bodily harm to the prerequisites for the crime of intimidation and retaliation.

Referred to the Committee on the Judiciary.

By Senator Ihlenfeld:

Senate Bill 579—A Bill to amend and reenact §15-2-3 of the Code of West Virginia, 1931, as amended; and amend said code by adding thereto a new section, designated §15-2-57, all relating to establishing a special revenue account concerning the West Virginia State Police Student Loan Forgiveness Program; establishing the West Virginia State Police Loan Forgiveness

Program; establishing rules and procedures governing applications; awarding grants to eligible applicants; and implementing of the loan forgiveness program.

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

By Senator Ihlenfeld:

Senate Bill 580—A Bill to amend and reenact §6B-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6B-3-4 of said code, all relating to West Virginia Governmental Ethics Act; providing that a public official may not accept payment or reimbursement for travel or lodging in excess of that paid by the Travel Management Office of the Department of Administration; providing that there is a rebuttal presumption that a gift of meals or beverages does impair the impartiality and judgment of a person; and clarifying lobbyist reporting requirement to include the date of the expenditure, the name of the restaurant, or other place of the expenditure, including the city where it is located.

Referred to the Committee on the Judiciary.

By Senator Ihlenfeld:

Senate Bill 581—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-3F-1, §61-3F-2, and §61-3F-3, all relating to online privacy protection for children; prohibiting the marketing or advertising of certain products or services to minors; specifying prohibited goods and services; prohibiting the collection of information about minor users for marketing purposes; requiring operators of website, online services, or applications to remove personal information about a minor when the information is visible to others; and specifying limited exceptions.

Referred to the Committee on the Judiciary.

By Senator Caputo:

Senate Bill 582—A Bill to amend and reenact §60-8-20a of the Code of West Virginia, 1931, as amended, relating to lowering the authorized age to sell or deliver wine from 18 to 16.

Referred to the Committee on the Judiciary.

By Senator Caputo:

Senate Bill 583—A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-16B-6e of said code; to amend and reenact §33-16-3v of said code; to amend and reenact §33-24-7k of said code; and to amend and reenact §33-25A-8j of said code, all relating to increasing the required insurance coverage for autism spectrum disorders.

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

By Senator Caputo:

Senate Bill 584—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9A-1-10a, relating to paying a monthly allotment to certain veterans.

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

By Senator Beach:

Senate Bill 585—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7g, relating to requiring the State Board of Education to develop a program of instruction in home economics, or specific subjects within home economics, that may be integrated into the curriculum for students in secondary schools.

Referred to the Committee on Education.

By Senator Baldwin:

Senate Bill 586—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-23, relating to providing West Virginia veterans a 50 percent reduction in fees and charges at state parks.

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

Senators Boley, Azinger, Baldwin, Beach, Caputo, Clements, Ihlenfeld, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Roberts, Romano, Stollings, Swope, Weld, and Woelfel offered the following resolution:

Senate Concurrent Resolution 14—Requesting that the Joint Committee on Government and Finance recognize the historical legacy of West Virginia suffragists through the creation of the West Virginia Women's Suffrage Memorial, to be located on the Capitol grounds as a permanent reminder of the impact of the suffragists on West Virginia's past, present, and future.

Whereas, The definition of a suffragist is a person advocating to extend the right to vote to more people and especially women; and

Whereas, West Virginia suffragists worked for decades from the advent of statehood to 1920 to win the vote for women in West Virginia and expand the democratic participation in society of women; and

Whereas, The accomplishments and contributions of women have not been fully recognized in West Virginia; and

Whereas, Their sacrifices for a long, persistent, and heroic struggle are not well-known; and

Whereas, The beautiful grounds of our State Capitol would be a proper place to honor women's struggle for their rights including the right to vote; and

Whereas, It is fitting that a permanent memorial be established to honor the lives and work of West Virginia suffragists; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance recognize the historical legacy of West Virginia suffragists through the creation of the West Virginia Women's Suffrage Memorial, to be located on the Capitol grounds as a permanent reminder of the impact of the suffragists on West Virginia's past, present, and future; and, be it

Further resolved, That the West Virginia Governor shall establish a nine-member commission called the Suffragist Memorial Committee. The committee shall be composed of: One member of

the Senate; one member of the House of Delegates; one representative of the Governor's office; one representative from the Office of the Secretary of State; one representative of the League of Women Voters; one representative of the Kanawha Valley National Organization for Women; one member of the WVU Women's Studies Program; one member of the Marshall University Women's Studies Program; and one representative of the West Virginia Division of Culture and History; and, be it

Further resolved, That the work of the committee will be staffed by the West Virginia Women's Commission to provide administrative support to organize meetings and record minutes of all meetings; and, be it

Further resolved, That meetings will begin in July of 2021 and meet monthly until December 31, 2021. During this time, the committee will consult with the public about the project, research the suffragists active in getting the vote ratified in West Virginia, and choose one prominent suffragist to be honored; and, be it

Further Resolved, That beginning in January 2022, the committee shall consult on cost of the project, begin to solicit funds, and ultimately solicit proposals for creation of a memorial on the Capitol grounds upon approval of the Capitol Grounds Building Authority; and, be it

Further resolved, That the Clerk of the Senate is hereby directed to forward a copy of the resolution to the West Virginia Women's Commission.

Which, under the rules, lies over one day.

Senator Hamilton offered the following resolution:

Senate Concurrent Resolution 15—Requesting the United States Army Corps of Engineers to extend that certain leases between the United States Army Corps of Engineers and the County Commission of Nicholas County, West Virginia, on behalf of the Nicholas County Airport Authority.

Whereas, The core mission of the United States Army Corps of Engineers is dedicated to strengthening our nation's security by building and maintaining infrastructure, researching, and developing technology, promoting stability, and improving quality of life; and

Whereas, West Virginia has recently made efforts to revitalize and develop new and existing tourism and commerce industries of the state, including educational, recreational, and economic, and military opportunities and development; and

Whereas, Extending certain leases between the United States Army Corps of Engineers and the Nicholas County Airport Authority, will permit the Nicholas County Airport Authority to manage and maintain facilities located at the Summersville Airport, would facilitate the development of educational, recreational, economic, and military-related opportunities in West Virginia, including, but not limited to, tourism of Summersville Lake, New River Gorge National Park and Preserve, and the surrounding area; development of new flight instruction programs; relocation of existing flight instruction programs; development and relocation of new or existing medical air transport companies; development of charter and air taxi services; sales, service, repair, and storage of aircraft; facilitation of activities related to the Summit Bechtel Reserve National Scout Camp and Young Life summer programs; therefore, be it

Resolved by the Legislature of West Virginia:

That the United States Army Corps of Engineers to extend that certain leases between the United States Army Corps of Engineers and the County Commission of Nicholas County, West Virginia, on behalf of the Nicholas County Airport Authority; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the United States Army Corps of Engineers.

Which, under the rules, lies over one day.

Senators Romano, Martin, and Weld offered the following resolution:

Senate Resolution 13—Recognizing Benjamin Portaro, decorated combat veteran of the United States Army in World War II and centenarian.

Whereas, Benjamin “Ben” Portaro was born in Caulonia, Italy, and settled with his family in Anmoore, Harrison County, West Virginia, at the age of three; and

Whereas, Benjamin Portaro started school, learned English, and helped his parents with their new language while enjoying a great childhood and learning his life-long love of gardening from his father; and

Whereas, As a young man, Benjamin Portaro worked for the H. H. Robertson Company performing contract construction work at the Carbon Plant in Anmoore, where he quickly became a supervisor; and

Whereas, In 1943, Benjamin Portaro entered the United States Army, attaining the rank of staff sergeant, and serving on the front lines of the Battle of the Bulge in Luxembourg, where he was wounded but continued to fight; and

Whereas, On January 2, 1945, Benjamin Portaro was captured as a prisoner of war by the Nazis along with fellow soldiers of the 26th Infantry Division and forced to walk many miles to the German prison camp Stalag 12A, while being forced to bury the bodies of villagers who had been killed in bombings and attacks along the way; and

Whereas, During a forced march on April 8, 1945, Benjamin Portaro and a fellow prisoner made a daring escape after dark and hid from their German captors until they were rescued by the U.S Army three days later; and

Whereas, Benjamin Portaro was honorably discharged from the United States Army on October 13, 1945, and for his service was awarded the Bronze Star, the Purple Heart Medal, the Prisoner of War Medal, the Good Conduct Medal, the American Campaign Medal, the European-African-Middle Eastern Campaign Medal with two campaign stars, the World War II Victory Medal, the Combat Infantryman Badge 1st Award, the WW II Honorable Service Lapel Pin Button, and the Marksmanship Badge with Rifle Bar; and

Whereas, After the war, Benjamin Portaro and his wife Claire, to whom he was married for 69 years prior to her passing in 2011, raised their seven children in a home he built in Clarksburg, which features a large garden with tomatoes grown from seeds he brought from Italy; and

Whereas, Benjamin Portaro is a member of St. James Catholic Church, past commander of the West Virginia Department of the American Ex-Prisoners of War, past commander of the

Barbed-Wire Mountaineer Chapter of the American Ex-Prisoners of War, a life member of the Veterans of Foreign Wars, the Disabled American Veterans, and the Fairmont Knights of Columbus; and

Whereas, Benjamin Portaro is the last surviving member of the West Virginia Italian Heritage Festival's Honorary Council who was born in Italy; and

Whereas, Benjamin Portaro will celebrate his 100th birthday on March 8, 2021; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Benjamin Portaro, decorated combat veteran of the United States Army in World War II and centenarian; and, be it

Further Resolved, That the Senate sends its best wishes to Benjamin Portaro on his 100th birthday and extends it most sincere gratitude and appreciation for his service to his state and country; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Benjamin Portaro.

Which, under the rules, lies over one day.

Senator Beach offered the following resolution:

Senate Resolution 14—Designating March 8, 2021, as Pierpont Community and Technical College Day at the Legislature.

Whereas, The State of West Virginia is committed to supporting higher education; and

Whereas, West Virginia's colleges and universities open the doors of opportunity for West Virginia students; and

Whereas, Pierpont Community and Technical College serves West Virginians by helping achieve their education and career goals, and meets the vast workforce needs of West Virginia, particularly in their 13-county region; and

Whereas, Pierpont Community and Technical College provides an environment that is comfortable for first time college students, and touches students that would normally not attend college; and

Whereas, Pierpont Community and Technical College offers classes that are able to work with all kinds of students, whether it be people who work full time and attend classes at night, or people who only attend classes during the daytime; and

Whereas, Pierpont Community and Technical College was recognized as the number one community college in West Virginia by Stacker.com from Tulsa, Oklahoma, for four years in a row; and

Whereas, Pierpont Community and Technical College was recognized as one of the best places to work by NI SOD and the Ohio State University, ranked from 1,105 community colleges; and

Whereas, The culinary program at Pierpont Community and Technical College is rated in the top 4 community colleges out of 1,105 schools, and their veterinary technician program is rated top 40 in the country out 1,105 schools; and

Whereas, Pierpont Community and Technical College is the only community college to receive the Black Diamond award from the West Virginia Chamber of Commerce; and

Whereas, Pierpont Community and Technical College has developed 16 “2+2” programs with schools such as Glenville State, Alderson Broaddus, Wesleyan, West Virginia University, and others; and

Whereas, Pierpont Community and Technical College currently leads in West Virginia Invest Grant use, attesting to the quality and value of the education you can receive at Pierpont Community and Technical College; and

Whereas, Pierpont Community and Technical College is highly accredited with 14 different accrediting bodies; and

Whereas, Pierpont Community and Technical College recently elected an interim president, Dr. Anthony Hancock, formerly the Vice Chancellor of the West Virginia Council for Community and Technical College Education; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 8, 2021, as Pierpont Community and Technical College Day at the Legislature; and, be it

Further Resolved, That the Senate extends its sincere gratitude and appreciation to Pierpont Community and Technical College for its contributions to the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the President of Pierpont Community and Technical College, Dr. Anthony Hancock.

Which, under the rules, lies over one day.

Senator Beach offered the following resolution:

Senate Resolution 15—Acknowledging the West Virginia Botanic Garden, Inc., as West Virginia’s first botanic garden.

Whereas, The West Virginia Botanic Garden, Inc., was founded as a non-profit corporation on December 13, 1983, by a group of volunteers in Monongalia County before finding a physical site for development; and

Whereas, On May 19, 1999, the City of Morgantown leased its 82 acres Tibbs Run Property, former site of the city’s Tibbs Run Reservoir, to the West Virginia Botanic Garden, Inc. to begin active management and improvements; and

Whereas, The West Virginia Botanic Garden, Inc., has developed improvements through volunteerism, grassroots fundraising, and sweat equity to become a premier Mountain State tourism destination that travelers from across the United States and foreign nations have enjoyed, adding revenue to the local economy; and

Whereas, The West Virginia Botanic Garden, Inc., is home to a variety of habitats, such as unique and rare stands of virgin timber, vast wetland complexes, mixed hardwoods, and meadows—that are interpreted for public education and enjoyment; and

Whereas, The West Virginia Botanic Garden, Inc., accessions, cultivates, and interprets plant collections as a museum of plants; and

Whereas, The West Virginia Botanic Garden, Inc. hosts structured youth nature camps, public and private school groups, organized themed walks, workshops, seasonal events, farm-to-table dinners, concerts, outdoor theatre, and other activities; and

Whereas, The West Virginia Botanic Garden, Inc., is known as a place for public wellness through guided meditation and nature-based health activity; and

Whereas, The West Virginia Botanic Garden, Inc., is utilized without fees or formal partnerships for the sciences, arts, and business by interdisciplinary students at West Virginia University and other state institutions of higher education for research and volunteerism, by science-based government entities such as the United States Department of Agriculture and West Virginia Department of Environmental Protection for training, and by businesses for science-based training such as wetland delineation and stream ecology; and

Whereas, The State of West Virginia is enhanced by the mission of the West Virginia Botanic Garden, Inc., which is to foster learning, inspiration, and well-being through the beauty and wonder of plants, the natural environment, and culturally enriching experiences; therefore, be it

Resolved by the Senate:

That the Senate hereby acknowledges the West Virginia Botanic Garden, Inc., as West Virginia's first botanic garden; and, be it

Further Resolved, That the Senate celebrates the great community, volunteer, scientific, and economic contributions of the West Virginia Botanic Garden, Inc.; and, be it

Further Resolved, That the Senate recognizes the West Virginia Botanic Garden, Inc., as West Virginia's flagship garden; and, be it

Further Resolved, That the Senate designates the Saturday before Mother's Day in 2021 as West Virginia Botanic Garden Day; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives from the West Virginia Department of Commerce and Office of Tourism.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 12, Applying to Congress to call convention to propose amendments allowing state legislatures to pass legislation overriding certain restrictive federal laws.

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

Senate Concurrent Resolution 13, Urging Adjutant General to establish Honor Guard in each unit to perform military funeral honors.

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

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

The question being on the adoption of the resolution, and on this question, Senator Woelfel demanded the yeas and nays.

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

The nays were: None.

Absent: Stover—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. C. R. 13) adopted.

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Woelfel regarding the adoption of Senate Concurrent Resolution 13 were ordered printed in the Appendix to the Journal.

Senate Resolution 12, Memorializing life of John W. Small, Jr., WV's longest serving elected official and dedicated public servant.

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

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

The Senate proceeded to the eighth order of business.

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

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

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 368) passed.

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

Eng. Com. Sub. for Senate Bill 368—A Bill to amend and reenact §22-15-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-15A-1 of said code; to amend said code by adding thereto a new section, designated §22-15A-30; and to amend and reenact §22-16-4 and §22-16-12 of said code, all relating to the Department of Environmental Protection; shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities; providing for incremental increase in fees; allocating additional fee to county and regional solid waste authorities; setting out conditions and limitations for collection and use of the additional funding by county and regional solid waste authority;. authorizing the Department of Environmental Protection to develop the Reclamation of Abandoned and Dilapidated Properties Program to reclaim abandoned and dilapidated structures in order to improve West Virginia communities and to open new parcels for development; creating a special revenue fund; providing a statement of legislative findings and purpose and permitting the payment of excess money from the Solid Waste Facility Closure Cost Assistance Fund into the Reclamation of Abandoned and Dilapidated Properties Program Fund.

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

Eng. Senate Bill 381, Creating nonresident three-day fishing license.

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

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 381) 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 434, Requiring training for law-enforcement officers responsible for investigating crimes of sexual assault.

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

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 434) passed with its title.

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

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

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

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 463) passed with its title.

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

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

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

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 501) passed with its title.

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

Eng. Senate Bill 537, Relating generally to kidnapping.

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

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 537) 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 Com. Sub. for Senate Bill 294, Relating generally to savings and investment programs offered by state.

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

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

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

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

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

ARTICLE 15. CONSUMERS SALES AND SERVICE TAX.

§11-15-9t. Exemption for purchases of services and tangible personal property sold for the repair, remodeling, and maintenance of aircraft; defining terms.

(a) The following sales are exempt from the consumers sales and service tax: Sales of aircraft repair, remodeling, and maintenance services, or to an engine or other component part of an aircraft; sales of tangible personal property that is permanently affixed or permanently attached as a component part of an aircraft, as part of the repair, remodeling, or maintenance service; and sales of machinery, tools, or equipment directly used or consumed exclusively in the repair,

remodeling, or maintenance of aircraft, aircraft engines, or aircraft component parts for an aircraft, or used exclusively in combination with the purposes specified in this subsection and the purposes specified in §11-15-9(a)(33) of this code.

(b) Any person having a right or claim to any exemption set forth in this section shall: First, pay to the vendor the tax imposed by this article and then apply to the Tax Commissioner for a refund or credit, or, as provided in §11-15-9d and §11-15A-3d of this code, give to the vendor his or her West Virginia direct pay permit number: *Provided*, That a person having a right or claim to the exemption set forth in this section may apply to the Tax Commissioner for permission to use an exemption certificate. Upon the granting of such permission, a person having a right or claim to the exemption set forth in this section may, in lieu of paying the tax imposed by this article and filing a claim for refund, execute a certificate of exemption, in the form required by the Tax Commissioner, and deliver it to the vendor of the property or service in the manner required by the Tax Commissioner.

(c) The tax commissioner shall promulgate emergency rules and shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to establish eligibility requirements for the exemption established by this section.

(d) The provisions of this section shall apply to sales made on and after September 1, 2021.

Following discussion,

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

The bill (S. B. 305), as amended, was then ordered to engrossment and third reading.

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

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

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

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

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

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

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

Senate Bill 397, Relating to health care provider tax.

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

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

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

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

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

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

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 469, Permitting and establishing requirements for appearance by video for purpose of notarial acts.

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

The Senate proceeded to the tenth order of business.

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

Senate Bill 39, Prohibiting insurance coverage from requiring prior authorization for tests to stage cancer.

Com. Sub. for Senate Bill 334, Establishing license application process for harm reduction programs.

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

Com. Sub. for Senate Bill 344, Relating to credit for qualified rehabilitated buildings investment.

Com. Sub. for Senate Bill 370, Requiring certain documents that contain wage records be considered confidential.

Com. Sub. for Senate Bill 383, Relating to exempting certain organizations from property taxation.

Senate Bill 456, Relating to Natural Resources Police Officers Retirement System.

Com. Sub. for Senate Bill 460, Relating to Deputy Sheriff Retirement System Act.

And,

Senate Bill 467, Relating to WV Municipal Police Officers and Firefighters Retirement System.

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 March 4, 2021:

Senate Bill 528: Senator Roberts.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on March 4, 2021:

Senate Bill 39: Senators Hamilton and Nelson;

Senate Bill 314: Senator Lindsay;

Senate Bill 344: Senators Maroney and Jeffries;

Senate Bill 388: Senator Stollings;

Senate Bill 391: Senator Stollings;

Senate Bill 445: Senator Hamilton;

Senate Bill 455: Senator Romano;

Senate Bill 464: Senator Hamilton;

Senate Bill 465: Senator Romano;

Senate Bill 470: Senator Romano;

Senate Bill 474: Senator Romano;

Senate Bill 476: Senator Romano;

Senate Bill 477: Senator Romano;

Senate Bill 479: Senator Romano;

Senate Bill 480: Senator Romano;

Senate Bill 481: Senator Romano;

Senate Bill 484: Senator Baldwin;

Senate Bill 495: Senators Romano and Baldwin;

Senate Bill 498: Senators Romano and Baldwin;

Senate Bill 500: Senator Romano;

Senate Bill 502: Senator Romano;

Senate Bill 520: Senators Grady and Romano;

Senate Bill 528: Senator Romano;

Senate Bill 535: Senator Romano;

Senate Bill 539: Senator Romano;

Senate Bill 542: Senator Caputo;

Senate Bill 543: Senator Romano;

Senate Bill 550: Senators Roberts and Romano;

Senate Bill 551: Senator Rucker;

Senate Bill 559: Senator Lindsay;

Senate Joint Resolution 2: Senator Romano;

Senate Joint Resolution 5: Senator Romano;

Senate Joint Resolution 6: Senators Hamilton and Romano;

Senate Joint Resolution 11: Senator Woelfel;

Senate Concurrent Resolution 10: Senator Woelfel;

Senate Concurrent Resolution 12: Senators Karnes, Phillips, and Sypolt;

And,

Senate Concurrent Resolution 13: Senators Baldwin, Ihlenfeld, Lindsay, Stollings, Phillips, and Romano.

Pending announcement of a meeting of a standing committee of the Senate, including a majority party caucus,

On motion of Senator Takubo, at 11:39 a.m., the Senate adjourned until Monday, March 8, 2021, at 11 a.m.

SENATE CALENDAR

**Monday, March 08, 2021
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 14 - Creating WV Women's Suffrage Memorial
- S. C. R. 15 - Extending certain leases between US Army Corps of Engineers and Nicholas County Airport Authority
- S. R. 13 - Recognizing Benjamin Portaro, decorated US Army combat veteran and centenarian
- S. R. 14 - Pierpont Community and Technical College Day
- S. R. 15 - Acknowledging WV Botanic Garden, Inc.

THIRD READING

- Eng. Com. Sub. for Com. Sub. for S. B. 294 - Relating generally to savings and investment programs offered by state
- Eng. S. B. 305 - Providing exemption from consumers sales and service tax for certain aircraft maintenance
- Eng. Com. Sub. for S. B. 343 - Authorizing DMV to process online driver's license or identification card change of address
- Eng. Com. Sub. for S. B. 375 - Relating to county boards of education policies for open enrollment
- Eng. S. B. 376 - Removing obsolete provisions regarding DOH standards for studded tires and chains (original similar to HB2668)
- Eng. S. B. 390 - Reorganizing Health Care Authority under DHHR and clarifying responsibilities for all-payer claims database
- Eng. S. B. 397 - Relating to health care provider tax
- Eng. S. B. 404 - Modifying well work permits issued by DEP Office of Oil and Gas
- Eng. Com. Sub. for S. B. 421 - Authorizing Workforce West Virginia to hire at-will employees
- Eng. Com. Sub. for S. B. 429 - Exempting Division of Emergency Management from Purchasing Division requirements for certain contracts (original similar to HB2745)
- Eng. Com. Sub. for S. B. 435 - Requiring county superintendents to authorize certain school principals or administrators at nonpublic schools to issue work permits for enrolled students
- Eng. Com. Sub. for S. B. 439 - Allowing use or nonuse of safety belt as admissible evidence in civil actions (original similar to HB2809)
- Eng. Com. Sub. for S. B. 469 - Permitting and establishing requirements for appearance by video for purpose of notarial acts

SECOND READING

S. B. 39 - Prohibiting insurance coverage from requiring prior authorization for tests to stage cancer

Com. Sub. for S. B. 334 - Establishing license application process for needle exchange programs

Com. Sub. for Com. Sub. for S. B. 339 - Expanding types of agricultural operations that are protected from nuisance and other legal actions

Com. Sub. for S. B. 344 - Relating to credit for qualified rehabilitated buildings investment

Com. Sub. for S. B. 370 - Requiring certain documents that contain wage records be considered confidential

Com. Sub. for S. B. 383 - Relating to exempting certain organizations from property taxation

S. B. 456 - Relating to Natural Resources Police Officers Retirement System

Com. Sub. for S. B. 460 - Relating to Deputy Sheriff Retirement System Act

S. B. 467 - Relating to WV Municipal Police Officers and Firefighters Retirement System

FIRST READING

Com. Sub. for S. B. 466 - Relating generally to appraisal management companies

Com. Sub. for S. B. 475 - Dedicating certain fees collected by agencies and licensing boards to General Revenue Fund

Com. Sub. for S. B. 498 - Amending definition of "sexual contact"

Com. Sub. for S. B. 517 - Relating to sunset provisions of legislative rules

Eng. Com. Sub. for H. B. 2001 - Relating generally to creating the West Virginia Jumpstart Savings Program - (Com. amend. and title amend. pending)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2021

Monday, March 8, 2021

1 p.m.

Natural Resources

(Room 208W)