

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2021
FIFTY-SIXTH DAY

Charleston, West Virginia, Tuesday, April 6, 2021

The Senate met at 10:07 a.m.

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

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

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable John R. Unger II, a senator from the sixteenth district.

Pending the reading of the Journal of Monday, April 5, 2021,

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

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

The Senate then proceeded to the third order of business.

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

Eng. Senate Bill 78, Relating to rehabilitative spousal support.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the reconsideration, amendment, and passage as amended, by a vote of a majority of all the members elected to the House of Delegates, as a result of the objections of the Governor, of

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

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

Eng. Com. Sub. for Senate Bill 377, Relating to extension for boil water advisories by water utility or public service district.

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

Eng. Senate Bill 437, Extending contingent increase of tax rate on certain eligible acute care hospitals.

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

Eng. Com. Sub. for Senate Bill 439, Allowing use or nonuse of safety belt as admissible evidence in civil actions.

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

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

On page six, section forty-nine-a, line sixty-nine, after the word “code” by changing the period to a comma and inserting the words “or if the driver is found to have concurrently violated any statute in Chapter 61 of this code.”

On motion of Senator Trump, the following amendment to the House of Delegates amendment to the bill (Eng. Com. Sub. for S. B. 439) was reported by the Clerk and adopted:

On page six, section forty-nine-a, subsection (c), subdivision (4), after the word “violated”, by striking out the words “any statute in Chapter 61” and inserting in lieu thereof “§61-5-17(h), §61-5-17(i), or §61-5-17(j)”.

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

Engrossed Committee Substitute for Senate Bill 439, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—23.

The nays were: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Stollings, Unger, and Woelfel—10.

Absent: Romano—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 439) passed with its title.

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

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

Eng. Com. Sub. for Senate Bill 514, Providing criteria for Natural Resource Commission appointment and compensation.

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

Eng. Com. Sub. for Senate Bill 518, Relating to grounds for administrative dissolution of certain companies, corporations, and partnerships.

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

Eng. Senate Bill 644, Exempting certain persons pursuing degree in speech pathology and audiology from license requirements.

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

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

On page 2, section 2, line 20, by striking the words, "in speech-language pathology or";

On page 2, section 2, line 25, by striking the words, "speech-language pathology or";

On page 1, section 2, line 1, by striking the inserted word, "and" and inserting the language, "and (e)";

And,

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

Eng. Senate Bill 644—A Bill to amend and reenact §30-26-2 of the Code of West Virginia, 1931, as amended, relating to providing an exemption to the hearing-aid dealer license.

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

Engrossed Senate Bill 644, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, 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)—33.

The nays were: Beach—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 644) passed with its House of Delegates amended title.

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

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

Eng. House Bill 2253, Relating to forgery and other crimes concerning lottery tickets.

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 the following resolutions:

House Concurrent Resolution 4—Requesting the Division of Highways name bridge number 06-049/00-008.51 () (06A239), locally known as the Decker Adkins Bridge, carrying County Road 49 over Madison Creek in Cabell County, the “U. S. Army PFC Herman H. Lucas Memorial Bridge”.

House Concurrent Resolution 10—Requesting the Division of Highways name a bridge bearing the milepost 30.96, carrying County Route 38 over the Tygart Valley River in the town of Dailey, located in Randolph County, West Virginia, as the “James ‘Big Jim’ Shaffer Memorial Bridge”.

House Concurrent Resolution 11—Requesting the Division of Highways name bridge number: 18-331/00-003.99 (18A126), (38.86741, -81.81838) locally known as COTTAGEVILLE ARCH (SCDA), carrying WV 331 over MILL CREEK in Jackson county the “Thomas Brothers Memorial Bridge”.

House Concurrent Resolution 18—Requesting the Division of Highways name bridge number 18-021/22-000.49 () (18A245), locally known as Sycamore Creek Bridge #1, carrying County Route 21/22 over Sycamore Creek in Jackson County, the “U. S. Army CWO3 Daniel Okey Cunningham Memorial Bridge”.

House Concurrent Resolution 19—Requesting the Division of Highways name a bridge bearing the milepost 6.14, carrying County Route 41 in Putnam County, locally known as “Clymer’s Creek Road,” as the “U. S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge”.

House Concurrent Resolution 28—Requesting the Division of Highways name bridge number 02-009/00-002.54 (02A176), locally known as Johnstontown Bridge, carrying WV Route 9 over Tilhance Creek in Berkeley County, the “Paul J. Hofe Memorial Bridge”.

House Concurrent Resolution 40—Requesting the Division of Highways name bridge number 22-007/00-021.18 (22A153), (38.22218, -82.11335) locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the “USMC Cpl Guy Maywood Edwards Memorial Bridge”.

House Concurrent Resolution 41—Requesting the Division of Highways name a set of twin bridges, number 11349, carrying US Route 35 over County Route 78 and 16-Mile Creek in Mason County, West Virginia as the “Halstead Brothers WWII Veterans Memorial Bridge”.

House Concurrent Resolution 44—Requesting the Division of Highways name Bridge Number: 28-019/00-020.58 () (28A187), (37.43298, -81.11005) locally known as GARDNER ROAD BRIDGE, carrying US 19 over BLUESTONE RIVER in Mercer County, the “Timothy Wayne Farley Memorial Bridge”.

House Concurrent Resolution 46—Requesting the Division of Highways name bridge number: 22-037/00-003.29 (22A163), (38.09662, -82.18916) locally known as Fourteen Mile Tub Girder Bridge, carrying WV 37 over Fourteen Mile Creek in Lincoln County, the “U. S. Navy BM1 Farris Burton Memorial Bridge”.

House Concurrent Resolution 47—Requesting the Division of Highways name bridge number 20-061/00-016.01 (20A184), (38.23939, -81.5576) locally known as Lens Creek Temporary Bridge, carrying WV 61 over Lens Creek in Kanawha County, the “SP5 Terry Lee McClanahan Memorial Bridge”.

House Concurrent Resolution 51—Requesting the Division of Highways name a portion of County Route 19/1, Ballangee Road, from its intersection with County Route 17/1, known as War Ridge Road, to its intersection with County Route 19/3, known as Big Stony Creek Road, in Summers County, the “U.S. Army PVT Lomer Elmo Davis Memorial Road”.

House Concurrent Resolution 52—Requesting the Division of Highways name bridge number: 25-001/00-010.40 (25A004), (39.53091, -80.34410) locally known as Mannington Arch, carrying CR 1 over Pyles Fork in Marion County, the “WW II Veterans Toothman Brothers Memorial Bridge”.

House Concurrent Resolution 58—Requesting the Division of Highways name bridge number: 03-005/00-017.66 (03A042), (38.63616, -81.62303) locally known as Seth Bridge, carrying CR 5 over Big Coal River in Boone County, the “Daniel Edward Kolhton ‘Red’ Haney Memorial Bridge”.

House Concurrent Resolution 60—Requesting the Division of Highways name bridge number 32-023/03-000.17 () (32A097), (37.54475, -80.68795) locally known as Cooks Fort Bridge, carrying CR 23/3 over Indian Creek in Monroe County, the “U. S. Army CPL Billy F. Mann Memorial Bridge”.

House Concurrent Resolution 66—Requesting the Division of Highways name bridge number: 20-060/00-005.59 (WB) (20A336), (38.35826, -81.63989) locally known as US 60 Washington Street Bridge, carrying US 60 over Elk River in Kanawha county, the “Charleston Police Officer Cassie Johnson-Fallen Heroes Memorial Bridge”.

House Concurrent Resolution 67—Requesting the Division of Highways to name a portion of Commerce Street; beginning at the corner of 12th and Commerce Streets and ending at the Department of Highways facility located just north of Kroger in Wellsburg, in Brooke County, the “U. S. Army SGT Roy E. Givens Memorial Road”.

House Concurrent Resolution 71—Requesting the Division of Highways name a bridge bearing the number 10-060/00-000.32 (10A140), (38.18106, -81.30672) locally known as “Smithers Creek Bridge,” carrying US Route 60 over Smithers Ck. & CR 21/15 in Fayette County as the “The Doctor Enrique Aguilar Memorial Bridge”.

House Concurrent Resolution 75—Requesting the Division of Highways name bridge number 04-035/02-003.09 () (04A196) locally known as the Hyers Run Plate Girder, carrying County Route 35/2 over Little Kanawha River in Braxton County, the “U. S. Army Corporal Charles William ‘Bill’ Knight Memorial Bridge”.

House Concurrent Resolution 76—Requesting the Division of Highways name bridge number 04-019/26-008.08 () (04A166) locally known as the Lower Exchange BXB, carrying County Route 19/26 over Perkins Fork of Cedar Creek in Braxton County, the “U.S. Navy Seaman 1st Class Byrne Lee Singleton Memorial Bridge”.

House Concurrent Resolution 77—Requesting the Division of Highways name a portion of U.S. Route 219, in Monroe County, beginning at its intersection with WV Route 122 and ending at its intersection with County Route 219/16, the “Elmer Galford Memorial Road”.

House Concurrent Resolution 85—Requesting the Division of Highways name bridge number: 25-001/00-010.40 (25A004), (39.53091, -80.34410) locally known as Mannington Arch, carrying CR 1 over Pyles Fork in Marion County, the “WW II Veterans Toothman Brothers Memorial Bridge”.

The preceding resolutions were referred to the Committee on Transportation and Infrastructure.

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

House Concurrent Resolution 12, Charles E. Jarvis Memorial Bridge.

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

House Concurrent Resolution 20, Bill Withers Memorial Road.

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

House Concurrent Resolution 26, Victor Yoak Memorial Bridge.

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 34—Declaring the “pepperoni roll” to be the official State Food of West Virginia.

Referred to the Committee on Rules.

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

House Concurrent Resolution 35, Requesting the Department of Health and Human Resources to continuously evaluate the child welfare system.

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

House Concurrent Resolution 38, “U.S. Marine Corps Sergeant David Andrew Green Memorial Bridge”.

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

House Concurrent Resolution 62, Major Samuel Wilson Rogers Jr. Memorial Bridge.

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 86—Requesting the Joint Committee on Government and Finance study recruitment and retention of health care workers and the causes of shortages of certain health care workers in West Virginia.

Referred to the Committee on Rules.

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 87—Requesting the Joint Committee on Government and Finance study empowering the West Virginia Courtesy Patrol to submit billing reimbursement for the cost of their services to automobile insurance carriers who provide roadside assistance.

Referred to the Committee on Rules.

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

Eng. Com. Sub. for House Bill 2221, Relating to the establishment of an insurance innovation process.

With amendments from the Committee on Banking and Insurance pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Banking and Insurance to which the bill was first referred.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2927, Adding Caregiving expenses to campaign finance expense.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 3078, Relating to powers and duties of the parole board.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 3215, Amending the requirements to become an elected prosecutor.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 3304, Authorizing the Division of Corrections and Rehabilitation to establish a Reentry and Transitional Housing Program.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on the Judiciary.

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 3, Property Tax Modernization 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 amendments from the Committee on the Judiciary pending.

The Senate proceeded to the sixth order of business.

Senators Nelson and Takubo offered the following resolution:

Senate Resolution 41—Congratulating the George Washington High School History Bowl team for finishing in fourth place of the 2020 National History Bowl Varsity Championships.

Whereas, Academic events provide students the opportunity to gain confidence, make new friends, strengthen long-term memory knowledge, help with university admission, and ignite a passion for life-long learning; and

Whereas, West Virginia's students can, and do, compete successfully in state, regional, and national academic competitions; and

Whereas, The George Washington High School History Bowl team consists of students committed to reading and learning about world and United States history; and

Whereas, The COVID-19 pandemic eliminated many opportunities for in-person competition in all fields of interscholastic competition in 2020 and delayed the spring national championship for eight months; and

Whereas, The George Washington High School History Bowl team maintained a winning spirit, dedication, and resolve to compete virtually during the COVID-19 pandemic; and

Whereas, The George Washington High School History Bowl team, consisting of: University of Chicago freshman Walker Combs; University of Indiana freshman Ben Woods; George Washington High School seniors Adam Keith and John Ward; and junior Reese Mason, were reunited in December 2020 to compete in a COVID-19 delayed National History Bowl Varsity Championship; and

Whereas, The George Washington High School History Bowl team demonstrated serious competitiveness on a national stage to defeat public and private school teams from Boston to Silicon Valley, and advance to the final four, after winning 13 rounds in two days at the virtual academic event; and

Whereas, The George Washington High School History Bowl team lost by one question in a close final four match to Adlai Stevenson High School from Chicago, Illinois; and

Whereas, The George Washington High School History Bowl team placed fourth in the nation, which ties their previous year's success and remains the best finish by any George Washington High School team in the history of the national competition hosted by International Academic Competitions; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the George Washington High School History Bowl team for finishing in fourth place of the 2020 National History Bowl Varsity Championships; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the George Washington High School History Bowl team.

Which, under the rules, lies over one day.

Senators Nelson and Takubo offered the following resolution:

Senate Resolution 42—Congratulating Walker Combs for winning the 2020 National History Bee Championship.

Whereas, The National History Bee is a buzzer-based history quiz competition for individual students who compete against each other in a series of rounds where they attempt to be the first to ring in and answer paragraph-length questions about various topics in history; and

Whereas, Academic events provide students the opportunity to gain confidence, make new friends, strengthen long-term memory knowledge, help with university admission, and ignite a passion for life-long learning; and

Whereas, West Virginia's school students can, and do, compete successfully in state, regional, and national academic competitions; and

Whereas, Walker Combs, a senior at George Washington High School and member of the History Bowl team, competed in the National History Bee; and

Whereas, Walker Combs displayed his superior intellect in the National History Bee and became the first West Virginia student to win this national competition; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates Walker Combs for winning the 2020 National History Bee Championship; and, be it

Further Resolved, That the Senate commends Walker Combs for his outstanding academic achievements and extends its best wishes to him on a bright future ahead; and, be it

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

Which, under the rules, lies over one day.

Senator Maynard offered the following resolution:

Senate Resolution 43—Requesting the construction of a licensed off-highway vehicle, semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side.

Whereas, The U.S. Department of Commerce's Bureau of Economic Analysis shows that the outdoor recreation economy accounted for 2.2 percent (\$412 billion) of current-dollar GDP in 2016; and

Whereas, In 2017, Backcountry Discovery Routes generated \$17.3 million in new tourism expenditures, with the average traveling party spending \$3,769 per trip; and

Whereas, The construction of a licensed off-highway vehicle (OHV), semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side connecting existing OHV trails, and off-road parks where possible, would bring in significant tourism dollars. The proposed trail should enter West Virginia in the southern part of the state and exit in the Potomac Highlands; and

Whereas, The Senate believes that the OHV trail will generate much needed economic stimulus to the state, create new jobs, and increase tax revenue; therefore, be it

Resolved by the Senate:

That the Senate hereby requests the construction of a licensed off-highway vehicle, semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side; and, be it

Further Resolved, That the construction of a licensed off-highway vehicle, semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side can be supported by all West Virginians; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Governor and the state legislatures of the states where the Appalachian Trail traverses, including: Georgia, North Carolina, Tennessee, Virginia, Maryland, Pennsylvania, New Jersey, New York, Massachusetts, Vermont, New Hampshire and Maine with the addition of Alabama, which lies to the west of Georgia and the trail.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 61, Requesting study on consolidating county boards of education to provide efficiencies and direct cost savings.

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

Senate Resolution 40, Recognizing 150th anniversary of Summers County.

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

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

House Concurrent Resolution 68, Providing for the issuance of not to exceed \$22 million of refunding bonds pursuant to the Safe Roads Amendment of 1996.

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

The question being on the adoption of the resolution, the same was put and prevailed.

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

The Senate proceeded to the eighth order of business.

Com. Sub. for Senate Bill 125, Budget Bill.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, April 5, 2021, for amendments to be received on third reading, 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, with the right to amend on third reading remaining in effect.

Eng. Com. Sub. for House Bill 2093, Relating to exemptions for the United States Department of Veterans Affairs Medical Foster Homes.

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 H. B. 2093) 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 House Bill 2760, Relating to economic development incentive tax credits.

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

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. House Bill 2768, Supplementing, amending and increasing an existing item of appropriation from the State Road Fund, to the Department of Transportation, Division of Highways.

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 elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2768) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, 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, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2768) takes effect from passage.

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

Eng. Com. Sub. for House Bill 2769, Supplementing, amending and increasing items of existing appropriation from the State Road Fund to the Department of Transportation, Division of Motor Vehicles.

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 elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2769) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, 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, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2769) takes effect from passage.

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

Eng. Com. Sub. for House Bill 2770, Including home confinement officers in definition of law-enforcement officers.

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 H. B. 2770) passed.

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

Eng. Com. Sub. for House Bill 2770—A Bill to amend and reenact §15A-7-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §61-7-11a of said code; to amend and reenact §62-11B-7a of said code, and to amend and reenact §62-12-5 of said code, all relating generally to qualifying for protection under the Law-Enforcement Officers Safety Act; clarifying that home confinement supervisors, state probation officers, and state parole officers are qualified enforcement officers who may carry a concealed firearm nationwide, as authorized by the federal Law-Enforcement Officers Safety Act; exempting certain persons from prohibition for carrying deadly weapons on the premises of educational facilities; providing the statutory authority necessary to give home confinement supervisors, state probation officers, and parole officers the

option to carry firearms pursuant to federal law; requiring annual firearm training pursuant to federal law; clarifying that supervisory entities retain sole discretion as to authorizing participation in a program and setting forth duties of supervising authorities as to participation of home confinement supervisors, state probation officers, and state parole officers.

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

Eng. House Bill 2790, Supplementing, amending, decreasing, and increasing items of existing appropriation to Division of Highways.

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 elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2790) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, 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, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2790) takes effect from passage.

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

Eng. Com. Sub. for House Bill 2823, Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code.

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 House Bill 2823 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, 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)—33.

The nays were: Beach—1.

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 H. B. 2823) passed with its title.

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

Eng. House Bill 2829, Providing for the amortization of annual funding deficiencies for municipal police or firefighter pension and relief funds.

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. H. B. 2829) passed with its title.

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

Eng. House Bill 2915, Relating to public records management and preservation.

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

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. House Bill 3130, Relating to elimination of sunset provisions concerning towing rates.

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. H. B. 3130) passed.

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

Eng. House Bill 3130—A Bill to amend §24A-2-2b of the Code of West Virginia, 1931, as amended, relating to rulemaking by the Public Service Commission with respect to common carriers by motor vehicle engaged in recovering, towing, hauling, carrying, or storing wrecked or disabled vehicles; extending sunset date for such rules to July 1, 2023; and extending deadline for audit of such rules by Legislative Auditor to December 31, 2022.

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

Eng. House Bill 3175, Relating to removing certain felonies than can prohibit vehicle salespersons from receiving a 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, Jeffries, Karnes, Lindsay, Maroney, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Ihlenfeld and Martin—2.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3175) passed.

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

Eng. House Bill 3175—A Bill to repeal §17A-6E-1, §17A-6E-2, §17A-6E-3, §17A-6E-4, §17A-6E-5, §17A-6E-6, §17A-6E-7, §17A-6E-8, §17A-6E-9, §17A-6E-10, §17A-6E-11, §17A-6E-12, §17A-6E-13, and §17A-6E-14 of the Code of West Virginia, 1931, as amended, all relating to repeal of the motor vehicle salesperson license.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Ihlenfeld, and Martin—2.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3175) takes effect from passage.

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

Eng. House Bill 3191, Requiring employers to send certain notifications when retirants are hired as temporary, part-time employees.

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. H. B. 3191) passed with its title.

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

Eng. House Bill 3298, Making a supplemental appropriation to Dept. of Commerce, Dept. of Education, Senior Services and Civil Contingent Fund.

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, 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)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3298) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, 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)—33.

The nays were: None.

Absent: Beach—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3298) takes effect from passage.

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

Eng. House Bill 3300, Relating to reducing personal income tax rates generally.

On third reading, coming up in regular order, with the unreported Finance committee amendment pending, and with the right having been granted on yesterday, Monday, April 5, 2021, for further amendments to be received on third reading, 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, with the right to amend remaining in effect and with the unreported Finance committee amendment pending.

The Senate proceeded to the ninth order of business.

Eng. Com. Sub. for House Bill 2005, Relating to health care costs.

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

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk:

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

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 29B. HEALTH CARE AUTHORITY.

§16-29B-24. Reports required to be filed.

(a) A covered facility, within ~~one hundred twenty~~ 120 days after the end of its fiscal year, unless an extension be granted by the authority, shall file with the authority its annual financial report prepared by an accountant or auditor.

(b) A covered facility, if applicable by legislative rule, shall submit upon request of the authority but at least annually:

(1) A statement of charges for all services rendered, except a behavioral health facility shall submit its gross rates for its top ~~thirty~~ 30 services by utilization;

(2) The Health Care Authority Financial Report, through the Uniform Reporting System;

(3) The current Uniform Bill form in effect for inpatients. This data is not subject to the provisions of ~~subsection (f), section twenty five of this article~~ §16-29B-25(f) of this code.

(c) The authority may request from a covered facility, except hospitals, the information from subsection (a) and (b) from its related organization.

(d) A home health agency shall annually submit a utilization survey.

(e) A summary of every contract or an amendment to an existing contract for the payment of patient care services between a purchaser or third party payor and a hospital shall be filed by the hospital.

~~(e)~~ (f) A covered facility failing to submit a report to the authority shall be notified by the authority and, if the failure continues for ~~ten~~ 10 days after receipt of the notice, the delinquent facility organization is subject to a penalty of \$1,000 for each day thereafter that the failure continues.

§33-2-24. Authority of Insurance Commissioner to enforce No Surprises Act; administrative penalties; injunctive relief; regulatory assistance of other agencies; rulemaking; effective date.

(a) The Insurance Commissioner shall enforce the applicable provisions of the No Surprises Act (H.R. 133, Public Law 116-260) against health insurers, medical providers, and health care facilities.

(b) Whenever the Insurance Commissioner believes, from evidence satisfactory to him or her, that any insurer, medical provider, or health care facility is violating the applicable provisions of the No Surprises Act, the Commissioner may assess a fine, not to exceed \$10,000 per violation, after notice and hearing pursuant to §33-2-13 of this code. In addition to the administrative penalty available in this subsection, the Insurance Commissioner may cause a complaint to be filed in the appropriate court of this state seeking to enjoin and restrain the insurer, medical provider, or health care facility from continuing the violation or engaging therein or doing any act in furtherance thereof.

(c) The Insurance Commissioner may, at his or her discretion, seek assistance from any other state government agency regarding regulatory enforcement of this section against medical providers or health care facilities. The Insurance Commissioner may also call upon the Attorney General for legal assistance and representation as provided by law.

(d) The Insurance Commissioner may propose rules for legislative approval in accordance with §29A-3-1 et seq. of this code to effectuate the provisions of this section.

(e) The provisions of this section shall become effective January 1, 2022.

On motions of Senators Maroney and Azinger, the following amendments to the Health and Human Resources committee amendment to the bill (Eng. Com. Sub. for H. B. 2005) were reported by the Clerk, considered simultaneously, and adopted:

On page one, by striking out the chapter heading;

On page one, by striking out the article heading;

On page one, by striking out section twenty-four in its entirety;

And,

On page two, before the section caption, by inserting the following:

ARTICLE 2. INSURANCE COMMISSIONER.

The question now being on the adoption of the Health and Human Resources committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 2005), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2022, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

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

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Eng. House Bill 2379, Make criminal invasion of privacy a felony.

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

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 2722, Prohibiting the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals.

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

Eng. Com. Sub. for House Bill 2758, Requiring the Insurance Commissioner to regulate professional bondsmen.

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

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

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

ARTICLE 10. PROFESSIONAL BONDSMEN IN CRIMINAL CASES.**§51-10-1. Definitions.**

~~The words "bonding business" as used in this article mean the business of becoming surety for compensation upon bonds in criminal cases in the State of West Virginia, and the word "bondsmen" means any person or corporation engaged either as principal or as agent, clerk, or representative of another in such business.~~

When used in this article:

(1) "Bonding business" means the business of becoming surety for compensation upon bonds in criminal cases in the State of West Virginia;

(2) "Bondsman" means (A) any person engaged in the bonding business that has satisfied the requirements for, and is duly licensed as, an insurance producer with a property and casualty line of authority as set forth by the Insurance Commissioner and §33-12-1, et seq. of this code; or (B) any person who is approved and licensed under the provisions of this article who pledges cash or approved securities with the commissioner as security for bail bonds written in connection with a judicial proceeding and receives or is promised money or other things of value for the pledge;

(3) "Commissioner" means the Insurance Commissioner of West Virginia, as defined in §33-1-5 of this code; and

(4) "Insurer" means any domestic, foreign, or alien person, including a surety company, which has been qualified generally to transact surety business in the State of West Virginia.

§51-10-8. Qualifications of bondsmen; rules to be prescribed by Supreme Court of Appeals; lists of agents to be furnished; renewal of authority to act; false swearing Insurance Commissioner; bondsman filing requirements; bondsman license renewal requirements; criminal penalty for filing false affidavit; list of bondsmen kept and provided to places of detention by Insurance Commissioner; requiring all bondsmen to be licensed by Insurance Commissioner after July 1, 2022.

~~(a) The Supreme Court of Appeals shall under reasonable rules, specify the qualifications of persons and corporations applying for authority to engage in the bonding business in criminal cases in the State of West Virginia, and the terms and conditions upon which the business may be carried on. After the first day of September, two thousand four, no person or corporation may, either as principal, or as agent, clerk, or representative of another, engage in the bonding business in any court regularly exercising criminal jurisdiction until qualified pursuant to the rules. The Supreme Court of Appeals, in making the rules, and in granting authority to persons to engage in the bonding business, shall take into consideration both the financial responsibility and the moral qualities of the person so applying, and no person may be permitted to engage, either as principal or agent, in the business of becoming surety upon bonds for compensation in criminal cases, who has ever been convicted of any offense involving moral turpitude, or who is not known to be a person of good moral character. The court shall require every person qualifying to engage in the bonding business as principal to file with the court a list showing the name, age, and residence of each person employed by the bondsman as agent, clerk, or representative in the bonding business, and require an affidavit from each of the persons stating that the person will abide by the terms and provisions of this article. The court shall require the authority of each of the persons to be renewed from time to time at periods the court may by rule provide. Before the authority may be renewed the court shall require from each of the persons an affidavit that since his or her previous qualifications to engage in the bonding business he or she has abided by the provisions of this article, and any person swearing falsely in any of the affidavits is guilty of false swearing.~~

~~(b) Persons authorized to engage in the bonding business in criminal cases in the State of West Virginia on the effective date of the amendments made to this section during the regular session of the Legislature in two thousand four may continue to engage in the business until the first day of September, two thousand four.~~

(a) The commissioner shall promulgate and propose legislative rules for promulgation under §29A-3-1, et seq. of this code, to carry out the intent, administration, and enforcement of this article. The commissioner may promulgate any emergency rules under §29A-3-15 of this code necessary to carry out the intent, administration, and enforcement of this article. The

commissioner shall develop all forms, contracts, or other documents to be used for the purposes outlined in this article.

(b) The rules required by subsection (a) of this section shall specify the qualifications that a person must have when applying to be a bondsman, and the terms and conditions upon which the bonding business may be conducted. The commissioner shall require a biennial fee of \$200 for all bondsman licensed under this article.

(c) The commissioner, in promulgating and proposing rules required by subsection (a) of this section, and in granting a license to a person to engage in the bonding business, shall take into consideration both the financial responsibility and the moral qualities of the person applying, and a person who has been convicted of any offense involving moral turpitude, or who is not known to be a person of good moral character shall not be licensed.

(d) The applicant shall provide the commissioner a qualifying power-of-attorney from a licensed insurer or surety company or pledge cash or approved securities with the commissioner as security for bail bonds.

(e) The applicant shall comply with the provisions of §33-12-37 of this code regarding criminal history record checks.

(f) The commissioner shall require every bondsman licensed to engage in the bonding business as a principal to file with the commissioner a list showing the name, age, and residence of each person employed by the bondsman as an agent, clerk, or representative in the bonding business, and require an affidavit from each of the persons stating that the person will abide by the terms and provisions of this article.

(g) (1) The commissioner shall require a person licensed as a bondsman to renew his or her license every two years and to file an affidavit stating that since his or her previous license to engage in the bonding business he or she has abided by the provisions of this article.

(2) A person who files a false affidavit is guilty of false swearing and, upon conviction thereof, shall be punished as provided by law for the offense.

(3) A person seeking to renew his or her license to engage in the bonding business shall submit to the property and casualty requirements under section (d) of this section for each renewal, unless he or she has voluntarily terminated his or her license to engage in the bonding business.

(h) The commissioner shall keep a list of all bondsmen and, upon the request of a place of detention listed under §51-10-6 of this code, furnish an alphabetical list of all licensed bondsmen to the jail.

(i) After July 1, 2022, a person shall not, either as principal, or as agent, clerk, or representative of an agent, engage in the bonding business unless licensed by the commissioner under this section.

The bill (Eng. Com. Sub. for H. B. 2758), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2793, Permit out of state residents to obtain West Virginia concealed carry permits.

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

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

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

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-4. License to carry deadly weapons; how obtained.

(a) (1) Except as provided in §61-7-4(hg) of this code, ~~any person~~ a legal resident or citizen of West Virginia desiring to obtain a state resident license to carry a concealed deadly weapon shall apply to the sheriff of his or her county for the license, and pay to the sheriff, at the time of application, a fee of \$25. ~~Concealed~~ A concealed weapons license may only be issued for pistols and revolvers.

(2) A legal resident or citizen of another state of the United States desiring to obtain a nonresident state license to carry a concealed deadly weapon shall apply to a sheriff of any county in this state for the license, and pay to the sheriff, at the time of application, a fee of \$100. A concealed weapons licenses may only be issued for pistols and revolvers.

(b) Each applicant for a state resident license or nonresident license to carry a concealed deadly weapon shall file with the sheriff a complete application, as prepared by the Superintendent of the West Virginia State Police, in writing, duly verified, which sets forth only the following licensing requirements:

(1) The applicant's full name, date of birth, ~~Social Security~~ social security number, a description of the applicant's physical features, the applicant's place of birth, the applicant's country of citizenship, and, if the applicant is not a United States citizen, any alien or admission number issued by the United States Bureau of Immigration and Customs Enforcement, and any basis, if applicable, for an exception to the prohibitions of 18 U.S.C. §922(g)(5)(B);

(2) That, on the date the application is made, the applicant is a bona fide United States citizen or legal resident thereof and either a resident of this state and of the county in which the application is made or a resident of another state in the United States and has a valid driver's license or other state-issued photo identification showing the residence;

(3) That the applicant is ~~twenty-one~~ 21 years of age or older;

(4) That the applicant is not addicted to alcohol, a controlled substance, or a drug and is not an unlawful user thereof as evidenced by either of the following within the three years immediately prior to the application:

(A) Residential or court-ordered treatment for alcoholism or alcohol detoxification or drug treatment; or

(B) Two or more convictions for driving while under the influence or driving while impaired;

(5) That the applicant has not been convicted of a felony unless the conviction has been expunged or set aside, or the applicant's civil rights have been restored or the applicant has been unconditionally pardoned for the offense;

(6) That the applicant has not been convicted of a misdemeanor crime of violence other than an offense set forth in subdivision (7) of this subsection in the five years immediately preceding the application;

(7) That the applicant has not been convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. §921(a)(33), or a misdemeanor offense of assault or battery either under §61-2-28 of this code or §61-2-9(b) or §61-2-9(c) of this code, in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense, or a misdemeanor offense with similar essential elements in a jurisdiction other than this state;

(8) That the applicant is not under indictment for a felony offense or is not currently serving a sentence of confinement, parole, probation, or other court-ordered supervision imposed by a court of any jurisdiction, or is the subject of an emergency or temporary domestic violence protective order, or is the subject of a final domestic violence protective order entered by a court of any jurisdiction;

(9) That the applicant has not been adjudicated to be mentally incompetent or involuntarily committed to a mental institution. If the applicant has been adjudicated mentally incompetent or involuntarily committed, the applicant ~~must~~ shall provide a court order reflecting that the applicant is no longer under such disability and the applicant's right to possess or receive a firearm has been restored;

(10) That the applicant is not prohibited under the provisions of §61-7-7 of this code or federal law, including 18 U.S.C. §922(g) or (n), from receiving, possessing, or transporting a firearm;

(11) That the applicant has qualified under the minimum requirements set forth in subsection (~~de~~) of this section for handling and firing the weapon: *Provided*, That this requirement shall be waived in the case of a renewal applicant who has previously qualified; and

(12) That the applicant authorizes the sheriff of the county, or his or her designee, to conduct an investigation relative to the information contained in the application.

(~~bc~~) For both initial and renewal applications, the sheriff shall conduct an investigation including a nationwide criminal background check consisting of inquiries of the National Instant Criminal Background Check System, the West Virginia criminal history record responses, and the National Interstate Identification Index, and shall review the information received in order to verify that the information required in subsection (~~ab~~) of this section is true and correct. A license may not be issued unless the issuing sheriff has verified through the National Instant Criminal Background Check System that the information available to him or her does not indicate that receipt or possession of a firearm by the applicant would be in violation of the provisions of §61-7-7 of this code or federal law, including 18 U.S.C. §922(g) or (n).

(~~ed~~) (1) Twenty-five dollars of the resident license application fee and any fees for replacement of lost or stolen licenses received by the sheriff shall be deposited by the sheriff into a concealed weapons license administration fund. The fund shall be administered by the sheriff and shall take

the form of an interest-bearing account with any interest earned to be compounded to the fund. Any funds deposited in this concealed weapon license administration fund are to be expended by the sheriff to pay the costs associated with issuing concealed weapons licenses. Any surplus in the fund on hand at the end of each fiscal year may be expended for other law-enforcement purposes or operating needs of the sheriff's office, as the sheriff considers appropriate.

(2) Fifteen dollars of the nonresident license application fee shall be deposited in the Courthouse Facilities Improvement Fund created by §29-26-6 of this code; \$25 of the application fee shall be deposited into the State Treasury and credited to the account of the State Police for the purchase of vehicles, equipment for vehicles, and maintenance of vehicles; and \$60 of the application fee shall be deposited in the concealed weapons license administration fund to be administered as provided in subsection (d) of this section.

(~~de~~) All persons applying for a license ~~must~~ shall complete a training course in handling and firing a handgun, which includes the actual live firing of ammunition by the applicant. The successful completion of any of the following courses fulfills this training requirement: *Provided*, That the completed course includes the actual live firing of ammunition by the applicant:

(1) Any official National Rifle Association handgun safety or training course;

(2) Any handgun safety or training course or class available to the general public offered by an official law-enforcement organization, community college, junior college, college, or private or public institution or organization, or handgun training school ~~utilizing~~ using instructors certified by the institution;

(3) Any handgun training or safety course or class conducted by a handgun instructor certified as such by the state or by the National Rifle Association;

(4) Any handgun training or safety course or class conducted by any branch of the United States military, reserve, or National Guard, or proof of other handgun qualification received while serving in any branch of the United States military, reserve, or National Guard.

A photocopy of a certificate of completion of any of the courses or classes or an affidavit from the instructor, school, club, organization, or group that conducted or taught the course or class attesting to the successful completion of the course or class by the applicant or a copy of any document which shows successful completion of the course or class is evidence of qualification under this section and shall include the instructor's name, signature, and NRA or state instructor identification number, if applicable.

(~~ef~~) All concealed weapons license applications must be notarized by a notary public duly licensed under §39-4-1 *et seq.* of this code. Falsification of any portion of the application constitutes false swearing and is punishable under §61-5-2 of this code.

(~~fg~~) The sheriff shall issue a license unless he or she determines that the application is incomplete, that it contains statements that are materially false or incorrect, or that applicant otherwise does not meet the requirements set forth in this section. The sheriff shall issue, reissue, or deny the license within 45 days after the application is filed if all required background checks authorized by this section are completed.

(~~gh~~) Before any approved license is issued or is effective, the applicant shall pay to the sheriff a fee in the amount of \$25 which the sheriff shall forward to the Superintendent of the West

Virginia State Police within 30 days of receipt. A license in effect as of the effective date of the amendments to this section enacted during the 2019 regular session of the Legislature shall, subject to revocation for cause, ~~be~~ is valid until the licensee's birthday during the fifth year from the date of issuance or five years from the date of issuance, whichever is later in time. Renewals of such licenses and licenses newly issued after the effective date of the amendments to this section enacted during the 2019 regular session of the Legislature ~~shall~~, subject to revocation for cause, ~~be~~ are valid for a period of five years from the licensees' most recent birthday.

(~~h~~i) Each license shall contain the full name and address of the licensee and a space upon which the signature of the licensee shall be signed with pen and ink. The issuing sheriff shall sign and attach his or her seal to all license cards. The sheriff shall provide to each new licensee a duplicate license card, in size similar to other state identification cards and licenses, suitable for carrying in a wallet, and the license card is considered a license for the purposes of this section. All duplicate license cards issued on or after July 1, 2017, shall be uniform across all 55 counties in size, appearance, and information and shall feature a photograph of the licensee.

(~~i~~j) The Superintendent of the West Virginia State Police, in cooperation with the West Virginia Sheriffs' Bureau of Professional Standards, shall prepare uniform applications for both resident and nonresident licenses and license cards showing that the license has been granted and shall do any other act required to be done to protect the state and see to the enforcement of this section.

(~~j~~k) If an application is denied, the specific reasons for the denial shall be stated by the sheriff denying the application. Any person denied a license may file, in the circuit court of the county in which the application was made, a petition seeking review of the denial. The petition shall be filed within 30 days of the denial. The court shall then determine whether the applicant is entitled to the issuance of a license under the criteria set forth in this section. The applicant may be represented by counsel, but in no case is the court required to appoint counsel for an applicant. The final order of the court shall include the court's findings of fact and conclusions of law. If the final order upholds the denial, the applicant may file an appeal in accordance with the Rules of Appellate Procedure of the Supreme Court of Appeals. If the findings of fact and conclusions of law of the court fail to uphold the denial, the applicant may be entitled to reasonable costs and attorney's fees, payable by the sheriff's office which issued the denial.

(~~k~~l) If a license is lost or destroyed, the person to whom the license was issued may obtain a duplicate or substitute license for a fee of \$5 by filing a notarized statement with the sheriff indicating that the license has been lost or destroyed.

(~~l~~m) ~~Whenever any person after applying for and receiving a concealed weapon license moves from the address named in the application to another county within the state, the license remains valid for the remainder of the five years unless the sheriff of the new county has determined that the person is no longer eligible for a concealed weapon license under this article, and the sheriff shall issue a new license bearing the person's new address and the original expiration date for a fee not to exceed \$5: *Provided*, That the licensee, within 20 days thereafter, notifies the sheriff in the new county of residence in writing of the old and new addresses. Whenever an applicant or licensee relocates from the address provided in his or her application to another address, he or she shall comply with the following notification requirements:~~

(1) Within 20 days of a resident licensee relocating from the address provided in his or her application to another county in the state, he or she shall provide written notification of the relocation to the sheriff of the county to which he or she moved and provide his or her new address. The sheriff shall then issue a new resident license bearing the licensee's new address

and the original expiration date, for a fee not to exceed \$5. The license remains valid for the remainder of the original five year term, unless the sheriff has determined that the person is no longer eligible for a concealed weapon license under the provisions of this article.

(2) Within 20 days of a resident licensee relocating from the address provided in his or her application to an address outside the state, he or she shall provide written notification to the sheriff of the issuing county of the relocation and provide his or her new address. The sheriff shall then issue a new nonresident license bearing the licensee's new address and the original expiration date, for a fee not to exceed \$5. The license remains valid for the remainder of the original five-year term unless the sheriff has determined that the person is no longer eligible for a concealed weapon license under the provisions of this article: *Provided*, That any renewal of the license in the new jurisdiction after expiration requires the payment of a nonresident license fee.

(3) Within 20 days of a nonresident licensee relocating from the address provided in his or her application to another address outside of the state, he or she shall provide written notification of the relocation to the sheriff of the issuing county and provide his or her new address. The sheriff shall then issue a new nonresident license bearing the licensee's new address and original expiration date, for a fee not to exceed \$5. This license remains valid for the remainder of the original five-year term, unless the sheriff has determined that the person is no longer eligible for a concealed weapon license under the provisions of this article.

(4) Within 20 days of a nonresident licensee relocating to West Virginia from the address provided in his or her application, he or she shall provide written notification of the relocation to the sheriff of the county to which he or she has moved and provide his or her new address. The sheriff shall then issue a new resident license bearing the licensee's new address and the original expiration date, for a fee not to exceed \$5. This license remains valid for the remainder of the original five-year term, unless the sheriff has determined that the person is no longer eligible for a concealed weapon license under the provisions of this article.

(m) The sheriff shall, immediately after the license is granted as aforesaid under this section furnish the Superintendent of the West Virginia State Police a certified copy of the approved application. The sheriff shall furnish to the Superintendent of the West Virginia State Police at any time so requested a certified list of all licenses issued in the county. The Superintendent of the West Virginia State Police shall maintain a registry of all persons who have been issued concealed weapons licenses.

(n) The sheriff shall deny any application or revoke any existing license upon determination that any of the licensing application requirements established in this section have been violated by the licensee.

(o) A person who is engaged in the receipt, review, or in the issuance or revocation of a concealed weapon license does not incur any civil liability as the result of the lawful performance of his or her duties under this article.

(p) Notwithstanding subsection (a) of this section, with respect to application for a resident license by an honorably discharged veteran of the armed forces of the United States, or a former law-enforcement officer honorably retired from agencies governed by §7-14-1 *et seq.* of this code, §8-14-1 *et seq.* of this code, §15-2-1 *et seq.* of this code, and §20-7-1 *et seq.* of this code, an honorably retired officer or an honorably discharged veteran of the armed forces of the United States is exempt from payment of fees and costs as otherwise required by this section. All other

application and background check requirements set forth in this section are applicable to these applicants.

(¶) Information collected under this section, including applications, supporting documents, permits, renewals, or any other information that would identify an applicant for, or holder of, a concealed weapon license, is confidential: *Provided*, That this information may be disclosed to a law-enforcement agency or officer: (i) To determine the validity of a license; (ii) to assist in a criminal investigation or prosecution; or (iii) for other lawful law-enforcement purposes. A person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 or more than \$200 for each offense.

(¶) A person who pays fees for training or application pursuant to this article after the effective date of this section is entitled to a tax credit equal to the amount actually paid for training not to exceed \$50: *Provided*, That if such training was provided for free or for less than \$50, then such tax credit may be applied to the fees associated with the initial application.

(¶) Except as restricted or prohibited by the provisions of this article or as otherwise prohibited by law, the issuance of a concealed weapon license issued in accordance with the provisions of this section authorizes the holder of the license to carry a concealed pistol or revolver on the lands or waters of this state.

On motion of Senator Trump, the following amendment to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H. B. 2793) was reported by the Clerk and adopted:

On page two, section four, line twenty-two, after the word "state-issued" by inserting the words "or federally issued".

The question now being on the adoption of the Judiciary committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 2793), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2834, Adding the Curator of the West Virginia Division of Arts, Culture and History as an ex officio voting member of the commission.

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

Eng. House Bill 2874, Extend the current veteran's business fee waivers to active duty military members and spouses.

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

Eng. Com. Sub. for House Bill 2890, To clarify the regulatory authority of the Public Service Commission of West Virginia over luxury limousine services.

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

On motions of Senators Jeffries and Nelson, the following amendment to the bill was reported by the Clerk:

On page two, section two, line twenty-five, by striking out "60.00" and inserting in lieu thereof "100.00".

Following discussion,

The question being on the adoption of amendment offered by Senators Jeffries and Nelson to the bill (Eng. Com. Sub. for H. B. 2890), the same was put.

The result of the voice vote being inconclusive, Senator Plymale demanded a division of the vote.

A standing vote being taken, there were thirteen Ayeas@ and twenty-one Anays@.

Whereupon, Senator Blair (Mr. President) declared the amendment offered by Senators Jeffries and Nelson to the bill rejected.

The bill (Eng. Com. Sub. for H. B. 2890) was then ordered to third reading.

Eng. House Bill 2914, To remove certain ex officio, voting members from the Archives and History Commission and update formatting.

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

Eng. House Bill 2969, To clarify the procedures for the sale and operation of a municipally owned toll bridge by a private toll transportation facility.

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

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk:

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

CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 16D. ELECTRONIC TOLL COLLECTION ACT.

§17-16D-6. Liability of owner.

(a) All owners and operators of motor vehicles shall pay the posted toll when on any toll road, highway, or bridge authorized by the Legislature, including any toll collected by a private toll transportation facility pursuant to §17-17-38 of this code, either by paying the toll at a toll collection facility on the toll road, highway, or bridge at the time of travel thereon or by paying the toll within the time prescribed for toll payment in a toll billing notice or invoice generated by an electronic toll collection system. These tolls may be collected by electronic toll collection. If an owner or operator of a vehicle fails to pay the prescribed toll when due, the owner of the vehicle is in violation of this article.

(b) If a violation occurs, the registration plate number of the vehicle as recorded by a video collection system establishes a rebuttable presumption for civil enforcement purposes that the owner of the vehicle was operating the vehicle, or had consented to another person operating the

vehicle, at that time. This presumption may be overcome only if the owner: (1) proves by a preponderance of the evidence that he or she was not in fact operating the vehicle at the time; and (2) identifies by name and mailing address the person who was operating the vehicle.

(c) If the presumption is not overcome by a preponderance of the evidence, the owner of the vehicle shall be found to have violated this article and be held responsible for payment of the tolls and the administrative fees and money penalties imposed by this article for failure to timely pay the tolls.

(d) Nothing in this section prohibits: (1) A law-enforcement officer from issuing a citation to a person in control of a vehicle for a violation of this article or other provisions of law at the time of the violation; ~~or~~ (2) the Parkways Authority from issuing reminder notices or making other communications directly or indirectly in connection with toll collection efforts or efforts to enforce violations of this article. The Parkways Authority is authorized to use secondary sources of information and services including, but not limited to, services such as the National Change of Address Service or skip tracing services; or (3) a private toll transportation facility from issuing any notices, reminders, or other communications in connection with its toll collection efforts pursuant to §17-17-38(c) and §17-17-38(d) of this code.

§17-16D-10. Evading tolls; damaging, interfering with, or obstructing video toll collection or infrastructure; violations and criminal penalties.

(a) Any person who knowingly or intentionally evades or seeks to evade the payment of tolls, rents, fees, or charges established by the Parkways Authority for the use of any toll facility under the jurisdiction of the Authority, or of any private toll transportation facility pursuant to §17-17-38 of this code, is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$50 for each violation of this article.

(b) Any person who deliberately damages, defaces, or obstructs a video collection system infrastructure or power supply with the intent to interfere with, ~~or~~ alter, or prevent the functioning of the system or electronic toll collection, or who obstructs a license plate or causes it to be unreadable by the video collection system, or who causes a transponder or other device used in an electronic toll system to be inoperable or unreadable thereby causing no toll to be charged, including a private toll transportation facility pursuant to §17-17-38 of this code, is guilty of a misdemeanor and, in addition to any other penalties provided by the code, and upon conviction, shall be fined not more than \$500 for each such action and, if applicable, is additionally liable to the Parkways Authority or the private toll transportation facility for all costs incurred ~~by the Authority~~ to repair the damaged, defaced, or obstructed property.

ARTICLE 17. TOLL BRIDGES.

§17-17-10. Payment of toll prior to passage; demand of excessive toll; evading payment of toll.

The proprietor of any toll bridge may require lawful toll to be paid previous to a passage thereover. ~~But if there be demanded at any such bridge more than is lawful, the proprietor shall forfeit to the party aggrieved so much as is illegally demanded and a further sum of not less than two nor more than \$15~~ Whoever shall knowingly or intentionally defraud, or attempt to defraud, the proprietor of any toll bridge by evading, or attempting to evade, the payment of lawful toll for crossing such bridge, or whoever shall aid another to evade, or attempt to evade, the payment of

such toll, shall be guilty of a misdemeanor and, for every such offense shall, upon conviction thereof, be fined not in excess of \$10.

§17-17-11. Gatekeeper to keep small change.

A gatekeeper on any toll bridge without an electronic toll collection system, as defined in §17-16D-2 of this code, shall keep such money of small denomination on hand, as may reasonably be required in the ordinary course of business, for making change for passengers, and it is the duty of passengers to offer money for passage of a denomination as near as possible to the amount charged for such passage. This section shall not apply to persons now having a lawful right to pass on such bridge without the payment of toll.

§17-17-12. Failure to provide gatekeeper and to allow prompt passage.

If at any toll bridge without an electronic toll collection system there be a failure to give any person or property a passage over the same in a reasonable time, the proprietor thereof shall forfeit to such person not less than \$2 nor more than \$20. If the keeper of any toll bridge without an electronic toll collection system shall absent himself therefrom without leaving any person in charge of the gates thereon, he shall leave the gates open. Any keeper of a toll bridge without an electronic toll collection who shall fail to comply with the requirements of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined \$50 for every such offense; and any person injured by such failure shall be entitled to recover therefor from such keeper all damages sustained thereby.

§17-17-21. General supervision of bridges under jurisdiction of commissioner.

The ~~state road~~ commissioner of highways shall properly maintain, repair, operate, manage, and control the bridges owned by the state, fix the rates of tolls and establish bylaws and rules and regulations for the use and operation of the bridges owned by the state, and may make and enter into all contracts or agreements necessary and incidental to the performance of his duties and the execution of his powers under this article, including power to permit use of such bridges owned by the state by street railways and other transportation lines, and telephone, telegraph, pipe, and other lines, and contract with them for such use and fix the terms and conditions thereof and the charges or tolls for such use of the bridges owned by the state.

§17-17-22. Tolls to be charged for bond payment; intrastate and interstate bridges included in one issue; purchasing of existing bridges; disposition of tolls.

Tolls shall be fixed, charged, and collected for transit over such bridges owned by the state and shall be so fixed and adjusted, in respect of the aggregate of tolls from the bridge or bridges owned by the state for which a single issue of bonds is issued, as to provide a fund sufficient to pay the principal and interest of such issue of bonds and to provide an additional fund to pay the cost of maintaining, repairing, and operating such bridge or bridges, subject, however, to any applicable law or regulation of the United States of America now in force or hereafter to be enacted or made. Two or more bridges owned by the state may be included in one issue of bonds, and intrastate and interstate bridges may be grouped in the same issue: *Provided,* That no existing bridge or bridges owned by the state shall be acquired by purchase, eminent domain, or otherwise, unless the ~~state road~~ commissioner of highways shall have determined that the income therefrom, based upon the toll receipts for the next preceding fiscal or calendar year, will be sufficient to pay all expenses of operating and maintaining such bridge, in addition to the interest and sinking fund requirements of any bonds to be issued to pay the purchase price thereof, or, if

such existing bridge or bridges owned by the state are to be combined with any other bridge or bridges, either then existing or thereafter to be constructed or acquired by purchase, eminent domain, or otherwise, as provided in §17-17-23b of this code, unless the ~~state road~~ commissioner of highways shall have determined that the income from such combined bridges, based upon the toll receipts for the next preceding fiscal or calendar year in the case of any existing bridge or bridges and upon estimates of future toll receipts in the case of any bridge or bridges to be constructed, will be sufficient to pay all expenses of operating and maintaining such combined bridges, in addition to the interest and sinking fund requirements of any bonds issued to pay the purchase price of such existing bridge or bridges and the interest and sinking fund requirements of any bonds issued to pay the cost of construction, acquiring, modernizing, repairing, reconstructing, or improving any bridge or bridges and approaches thereto, with which such existing bridge or bridges are to be so combined. The tolls from the bridge or bridges for which a single issue of bonds is issued, except such part thereof, as may be necessary to pay such cost of maintaining, repairing, and operating during any period in which such cost is not otherwise provided for (during which period the tolls may be reduced accordingly), shall be transmitted each month to the West Virginia Municipal Bond Commission and by it placed in a special fund which is hereby pledged to and charged with the payment of the principal of such bonds and the interest thereon, and to the redemption or repurchase of such bonds, such special fund to be a fund for all such bonds without distinction or priority of one over another. The moneys in such special fund, less a reserve for payment of interest, if not used by the West Virginia Municipal Bond Commission within a reasonable time for the purchase of bonds for cancellation at a price not exceeding the market price and not exceeding the redemption price, shall be applied to the redemption of bonds by lot at the redemption price then applicable. Notwithstanding the foregoing, payments of principal and interest on any bonds owned by the United States or any governmental agency or department thereof may be made by the governing body directly thereto.

Any bridge or bridges constructed or acquired by purchase, eminent domain, or otherwise, or reconstructed, repaired, or improved, under the provisions of this article and forming a connecting link between two or more state highways, or providing a river crossing for a state highway, are hereby adopted as a part of the state road system, but no such bridge or bridges shall be constructed or acquired by purchase, eminent domain, or otherwise, or reconstructed, repaired, or improved by the state, under the provisions of this article without the approval in writing of the ~~state road~~ commissioner of highways and the Governor. If there be in the funds of the West Virginia Municipal Bond Commission an amount insufficient to pay the interest and sinking fund on any bonds issued for the purpose of constructing or acquiring by purchase, eminent domain, or otherwise, or reconstructing, repairing, or improving, such bridge or bridges, the ~~state road~~ commissioner of highways is authorized and directed to allocate to said commission, from the state road fund, an amount sufficient to pay the interest on said bonds and/or the principal thereof, as either may become due and payable.

§17-17-38. Municipal sale of ownership of toll bridges to private toll transportation facility; maintenance of tolls; imposition of liability for collection and payment; tax treatment and divestment.

(a) Sale of municipally owned toll bridge. – Any municipality which owns and operates a toll bridge pursuant to this article may, at the sole discretion of the municipality, and upon adoption of a resolution to such effect by the council of such municipality, sell and convey such toll bridge to a private toll transportation facility subject to such terms and conditions as the council of such municipality may agree.

(b) *Privilege to maintain tolls.* – Any private toll transportation facility purchasing a municipally-owned toll bridge located fewer than five miles from a toll-free bridge which crosses the same body of water or obstacle pursuant to subsection (a) of this section may retain, modify, and collect any such toll charges for the use thereof on persons and things passing over any such bridge as the facility may, by resolution, from time to time prescribe.

(c) *Electronic collection of tolls and imposition of liability for payment.* – The collection and enforcement of tolls for the use of any such bridge may be accomplished by electronic toll collection in the same manner and procedures as provided in §17-16D-1 *et seq.* of this code, and the imposition of liability for payment of such tolls shall apply as set forth specifically in §17-16D-5, §17-16D-6, §17-16D-7, and §17-16D-10 of this code: *Provided*, That the toll rates provided for in §17-17-9 of this code shall not apply to a private toll transportation facility.

(d) *Nonrenewal of vehicle registration.* – If an owner of a vehicle has received at least one invoice from a private toll transportation facility for any unpaid tolls and has: (1) failed to pay the unpaid tolls and administrative fees, and (2) failed to file a notice to contest liability for a toll violation as provided for in the invoice, then the private toll transportation facility may notify the Commissioner of the Division of Motor Vehicles, who shall, if no form contesting liability has been timely filed with the private toll transportation facility, refuse to register or renew the registration of any vehicle of which the person committing the violation is a registered owner or co-owner until such time as the private toll transportation facility has notified the commissioner that such fees and unpaid tolls have been paid or satisfied.

(e) *Tax treatment of municipally owned toll bridge sold to private toll transportation facility.* – A municipally owned toll bridge sold to a private transportation facility pursuant to this section shall be considered exempt for purposes of ad valorem property taxation under §11-1-1 *et seq.* of this code: *Provided*, That if said exemption is in any way held to be invalid, then the value of a municipally owned toll bridge purchased by a private toll transportation facility, for purposes of ad valorem property taxation under §11-1-1 *et seq.* of this code, shall in no event be valued at more than its salvage value, which for purposes of this article is the lower of fair market salvage value or five percent of the original cost of the property.

(f) *Divestment of private toll bridge.* – Nothing in this section shall be construed to limit or prevent the subsequent sale, lease, assignment, or transfer of a municipally-owned toll bridge purchased by a private toll transportation facility, provided that all other requirements of this section are met.

(g) *Definitions.* – For purposes of this section, the term “private toll transportation facility” means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other business entity engaged in the collecting or charging of tolls on a previously municipal-owned toll bridge pursuant to this article.

CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATION OF TITLE, AND ANTITHEFT PROVISIONS.

ARTICLE 2A. UNIFORM MOTOR VEHICLE RECORDS DISCLOSURE ACT.

§17A-2A-9. Fees.

Any person making a request for disclosure of personal information required or permitted under sections five through eight of this article, ~~both~~ inclusive, shall pay to the division all reasonable fees related to providing the information: *Provided*, That all fees under this section

shall be set by legislative rule pursuant to §29A-3-1 *et seq.* of this code: *Provided, however, That nothing herein shall prohibit the division from entering into a separate fee agreement with a private toll transportation facility to facilitate permitted disclosures pursuant to §17A-2A-7 of this code.*

CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-1. Jurisdiction of commission; waiver of jurisdiction.

(a) The jurisdiction of the commission shall extend to all public utilities in this state and shall include any utility engaged in any of the following public services:

Common carriage of passengers or goods, whether by air, railroad, street railroad, motor, or otherwise, by express or otherwise, by land, water, or air, whether wholly or partly by land, water, or air; transportation of oil, gas, or water by pipeline; transportation of coal and its derivatives and all mixtures and combinations thereof with other substances by pipeline; sleeping car or parlor car services; transmission of messages by telephone, telegraph, or radio; generation and transmission of electrical energy by hydroelectric or other utilities for service to the public, whether directly or through a distributing utility; supplying water, gas, or electricity by municipalities or others; sewer systems servicing 25 or more persons or firms other than the owner of the sewer systems: *Provided*, That if a public utility other than a political subdivision intends to provide sewer service by an innovative, alternative method, as defined by the federal Environmental Protection Agency, the innovative, alternative method is a public utility function and subject to the jurisdiction of the Public Service Commission regardless of the number of customers served by the innovative, alternative method; any public service district created under the provisions of §16-13A-1 *et seq.* of this code, except that the Public Service Commission will have no jurisdiction over the provision of stormwater services by a public service district; toll bridges located more than five miles from a toll-free bridge which crosses the same body of water or obstacle, wharves, ferries; solid waste facilities; and any other public service: *Provided, however*, That natural gas producers who provide natural gas service to not more than 25 residential customers are exempt from the jurisdiction of the commission with regard to the provisions of the residential service: *Provided further*, That upon request of any of the customers of the natural gas producers, the commission may, upon good cause being shown, exercise such authority as the commission may deem appropriate over the operation, rates, and charges of the producer and for such length of time as the commission may consider to be proper.

(b) The jurisdiction of the commission over political subdivisions of this state providing separate or combined water and/or sewer services and having at least 4,500 customers and annual combined gross revenues of \$3 million or more that are political subdivisions of the state is limited to:

(1) General supervision of public utilities, as granted and described in §24-2-5 of this code;

(2) Regulation of measurements, practices, acts, or services, as granted and described in §24-2-7 of this code;

(3) Regulation of a system of accounts to be kept by a public utility that is a political subdivision of the state, as granted and described in §24-2-8 of this code;

(4) Submission of information to the commission regarding rates, tolls, charges, or practices, as granted and described in §24-2-9 of this code;

(5) Authority to subpoena witnesses, take testimony, and administer oaths to any witness in any proceeding before or conducted by the commission, as granted and described in §24-2-10 of this code; and

(6) Investigation and resolution of disputes between a political subdivision of the state providing wholesale water and/or wastewater treatment or other services, whether by contract or through a tariff, and its customer or customers, including, but not limited to, rates, fees, and charges, service areas and contested utility combinations: *Provided*, That any request for an investigation related to such a dispute that is based on the act or omission of the political subdivision shall be filed within 30 days of the act or omission of the political subdivision and the commission shall resolve said dispute within 120 days of filing. The 120-day period for resolution of the dispute may be tolled by the commission until the necessary information showing the basis of the rates, fees, and charges or other information as the commission considers necessary is filed: *Provided, however*, That the disputed rates, fees, and charges so fixed by the political subdivision providing separate or combined water and/or sewer services shall remain in full force and effect until set aside, altered or, amended by the commission in an order to be followed in the future.

(7) Customers of water and sewer utilities operated by a political subdivision of the state may bring formal or informal complaints regarding the commission's exercise of the powers enumerated in this section and the commission shall resolve these complaints: *Provided*, That any formal complaint filed under this section that is based on the act or omission of the political subdivision shall be filed within 30 days of the act or omission complained of and the commission shall resolve the complaint within 180 days of filing. The 180-day period for resolution of the dispute may be tolled by the commission until the necessary information showing the basis of the matter complained of is filed by the political subdivision: *Provided, however*, That whenever the commission finds any regulations, measurements, practices, acts, or service to be unjust, unreasonable, insufficient, or unjustly discriminatory, or otherwise in violation of any provisions of this chapter, or finds that any service is inadequate, or that any service which is demanded cannot be reasonably obtained, the commission shall determine and declare, and by order fix reasonable measurement, regulations, acts, practices, or services, to be furnished, imposed, observed, and followed in lieu of those found to be unjust, unreasonable, insufficient, or unjustly discriminatory, inadequate, or otherwise in violation of this chapter, and shall make such other order respecting the same as shall be just and reasonable: *Provided further*, That if the matter complained of would affect rates, fees, and charges so fixed by the political subdivision providing separate or combined water and/or sewer services, the rates, fees, or charges shall remain in full force and effect until set aside, altered, or amended by the commission in an order to be followed in the future.

(8) If a political subdivision has a deficiency in either its bond revenue or bond reserve accounts, or is otherwise in breach of a bond covenant, any bond holder may petition the Public Service Commission for such redress as will bring the accounts to current status or otherwise resolve the breached covenant, and the commission shall have jurisdiction to fully resolve the alleged deficiency or breach.

(c) The commission may, upon application, waive its jurisdiction and allow a utility operating in an adjoining state to provide service in West Virginia when:

(1) An area of West Virginia cannot be practicably and economically served by a utility licensed to operate within the State of West Virginia;

(2) The area can be provided with utility service by a utility which operates in a state adjoining West Virginia;

(3) The utility operating in the adjoining state is regulated by a regulatory agency or commission of the adjoining state; and

(4) The number of customers to be served is not substantial. The rates the out-of-state utility charges West Virginia customers shall be the same as the rate the utility is duly authorized to charge in the adjoining jurisdiction. The commission, in the case of any such utility, may revoke its waiver of jurisdiction for good cause.

(d) Any other provisions of this chapter to the contrary notwithstanding:

(1) An owner or operator of an electric generating facility located or to be located in this state that has been designated as an exempt wholesale generator under applicable federal law, or will be so designated prior to commercial operation of the facility, and for which such facility the owner or operator holds a certificate of public convenience and necessity issued by the commission on or before July 1, 2003, is subject to §24-2-11c(e) through §24-2-11c(j) of this code as if the certificate of public convenience and necessity for the facility were a siting certificate issued under §24-2-11c of this code and is not otherwise subject to the jurisdiction of the commission or to the provisions of this chapter with respect to the facility except for the making or constructing of a material modification thereof as provided in §24-2-1(d)(5) of this code.

(2) Any person, corporation, or other entity that intends to construct or construct and operate an electric generating facility to be located in this state that has been designated as an exempt wholesale generator under applicable federal law, or will be so designated prior to commercial operation of the facility, and for which facility the owner or operator does not hold a certificate of public convenience and necessity issued by the commission on or before July 1, 2003, shall, prior to commencement of construction of the facility, obtain a siting certificate from the commission pursuant to the provisions of §24-2-11c of this code in lieu of a certificate of public convenience and necessity pursuant to the provisions of §24-2-11 of this code. An owner or operator of an electric generating facility as is described in this subdivision for which a siting certificate has been issued by the commission is subject to §24-2-11c(e) through §24-2-11c(j) of this code and is not otherwise subject to the jurisdiction of the commission or to the provisions of this chapter with respect to the facility except for the making or constructing of a material modification thereof as provided in §24-2-1(d)(5) of this code.

(3) An owner or operator of an electric generating facility located in this state that had not been designated as an exempt wholesale generator under applicable federal law prior to commercial operation of the facility that generates electric energy solely for sale at retail outside this state or solely for sale at wholesale in accordance with any applicable federal law that preempts state law or solely for both sales at retail and sales at wholesale and that had been constructed and had engaged in commercial operation on or before July 1, 2003, is not subject to the jurisdiction of the commission or to the provisions of this chapter with respect to the facility, regardless of whether the facility subsequent to its construction has been or will be designated as an exempt wholesale generator under applicable federal law: *Provided*, That the owner or operator is subject to §24-2-1(d)(5) of this code if a material modification of the facility is made or constructed.

(4) Any person, corporation, or other entity that intends to construct or construct and operate an electric generating facility to be located in this state that has not been or will not be designated as an exempt wholesale generator under applicable federal law prior to commercial operation of the facility that will generate electric energy solely for sale at retail outside this state or solely for sale at wholesale in accordance with any applicable federal law that preempts state law or solely for both sales at retail and sales at wholesale and that had not been constructed and had not been engaged in commercial operation on or before July 1, 2003, shall, prior to commencement of construction of the facility, obtain a siting certificate from the commission pursuant to the provisions of §24-2-11c of this code in lieu of a certificate of public convenience and necessity pursuant to the provisions of §24-2-11 of this code. An owner or operator of an electric generating facility as is described in this subdivision for which a siting certificate has been issued by the commission is subject to §24-2-11c(e) through §24-2-11c(j) of this code and is not otherwise subject to the jurisdiction of the commission or to the provisions of this chapter with respect to the facility except for the making or constructing of a material modification thereof as provided in §24-2-1(d)(5) of this code.

(5) An owner or operator of an electric generating facility described in this subsection shall, before making or constructing a material modification of the facility that is not within the terms of any certificate of public convenience and necessity or siting certificate previously issued for the facility or an earlier material modification thereof, obtain a siting certificate for the modification from the commission pursuant to the provisions of §24-2-11c of this code in lieu of a certificate of public convenience and necessity for the modification pursuant to the provisions of §24-2-11 of this code and, except for the provisions of §24-2-11c of this code, is not otherwise subject to the jurisdiction of the commission or to the provisions of this chapter with respect to the modification.

(6) The commission shall consider an application for a certificate of public convenience and necessity filed pursuant to §24-2-11 of this code to construct an electric generating facility described in this subsection or to make or construct a material modification of the electric generating facility as an application for a siting certificate pursuant to §24-2-11c of this code if the application for the certificate of public convenience and necessity was filed with the commission prior to July 1, 2003, and if the commission has not issued a final order thereon as of that date.

(7) The limitations on the jurisdiction of the commission over, and on the applicability of the provisions of this chapter to, the owner or operator of an electric generating facility as imposed by and described in this subsection do not affect or limit the commission's jurisdiction over contracts or arrangements between the owner or operator of the facility and any affiliated public utility subject to the provisions of this chapter.

(e) The commission does not have jurisdiction of Internet protocol-enabled service or voice-over Internet protocol-enabled service. As used in this subsection:

(1) "Internet protocol-enabled service" means any service, capability, functionality, or application provided using Internet protocol, or any successor protocol, that enables an end user to send or receive a communication in Internet protocol format, or any successor format, regardless of whether the communication is voice, data, or video.

(2) "Voice-over Internet protocol service" means any service that:

(i) Enables real-time two-way voice communications that originate or terminate from the user's location using Internet protocol or a successor protocol; and

(ii) Uses a broadband connection from the user's location.

(3) The term "voice-over Internet protocol service" includes any service that permits users to receive calls that originate on the public-switched telephone network and to terminate calls on the public-switched telephone network.

(f) Notwithstanding any other provisions of this article, the commission ~~has~~ shall not have jurisdiction to review or approve any transaction involving a telephone company otherwise subject to §24-2-12 and §24-2-12a of this code if all entities involved in the transaction are under common ownership.

(g) The Legislature finds that the rates, fees, charges, and ratemaking of municipal power systems are most fairly and effectively regulated by the local governing body. Therefore, notwithstanding any other provisions of this article, the commission ~~has~~ shall not have jurisdiction over the setting or adjustment of rates, fees, and charges of municipal power systems. Further, the jurisdiction of the Public Service Commission over municipal power systems is limited to that granted specifically in this code.

On motion of Senators Trump and Romano, the following amendment to the Government Organization committee amendment to the bill (Eng. H. B. 2969) was reported by the Clerk and adopted:

On page eight, section nine, after the article heading by inserting the following:

§17A-2A-7. Permitted disclosures.

The division or its designee shall disclose personal information as defined in section three of this article to any person who requests the information if the person: (a) Has proof of his or her identity; and (b) verifies that the use of the personal information will be strictly limited to one or more of the following:

(1) For use by any governmental agency, including any court or law-enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a governmental agency in carrying out its functions;

(2) For use in connection with matters of motor vehicle or driver safety and theft, motor vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles, motor vehicle parts and dealers, motor vehicle market research activities including survey research and removal of nonowner records from the original owner records of motor vehicle manufacturers;

(3) For use in the normal course of business by a legitimate business or its agents, employees or contractors:

(A) For the purpose of verifying the accuracy of personal information submitted by the individual to the business or its agents, employees or contractors; and

(B) If the information as submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against or recovering on a debt or security interest against the individual;

(4) For use in conjunction with any civil, criminal, administrative, or arbitral proceeding in any court or governmental agency or before any self-regulatory body, including investigation in anticipation of litigation, the service of process, the execution or enforcement of judgments and orders, or pursuant to an order of any court;

(5) For use in research and producing statistical reports, so long as the personal information is not published, redisclosed or used to contact individuals;

(6) For use by any insurer or insurance support organization or by a self-insured entity, its agents, employees or contractors in connection with claim investigation activities, antifraud activities, rating or underwriting;

(7) For use in providing notice to the owners of towed or impounded vehicles;

(8) For use by any licensed private investigator agency or licensed security service for any purpose permitted under this section;

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2710 *et seq.*);

(10) For use in connection with the operation of private toll transportation facilities; and

(11) For any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety.

The question now being on the adoption of the Government Organization committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. H. B. 2969), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3293, Relating to single-sex participation in interscholastic athletic events.

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

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

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

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-25d. Clarifying participation for sports events to be based on biological sex of the athlete at birth.

(a) The Legislature hereby finds:

(1) There are inherent differences between biological males and biological females, and that these differences are cause for celebration, as determined by the Supreme Court of the United States in *United States v. Virginia* (1996);

(2) These inherent differences are not a valid justification for sex-based classifications that make overbroad generalizations or perpetuate the legal, social, and economic inferiority of either sex. Rather, these inherent differences are a valid justification for sex-based classifications when they realistically reflect the fact that the sexes are not similarly situated in certain circumstances, as recognized by the Supreme Court of the United States in *Michael M. v. Sonoma County, Superior Court* (1981) and the Supreme Court of Appeals of West Virginia in *Israel v. Secondary Schools Act. Com'n* (1989);

(3) In the context of sports involving competitive skill or contact, biological males and biological females are not in fact similarly situated. Biological males would displace females to a substantial extent if permitted to compete on teams designated for biological females, as recognized in *Clark v. Ariz. Interscholastic Ass'n* (9th Cir. 1982);

(4) Although necessarily related, as concluded by the United States Supreme Court in *Bostock v. Clayton County* (2020), gender identity is separate and distinct from biological sex to the extent that an individual's biological sex is not determinative or indicative of the individual's gender identity. Classifications based on gender identity serve no legitimate relationship to the State of West Virginia's interest in promoting equal athletic opportunities for the female sex; and

(5) Classification of teams according to biological sex is necessary to promote equal athletic opportunities for the female sex.

(b) Definitions. - As used in this section, the following words have the meanings ascribed to them unless the context clearly implies a different meaning:

(1) "Biological sex" means an individual's physical form as a male or female based solely on the individual's reproductive biology and genetics at birth.

(2) "Female" means an individual whose biological sex determined at birth is female. As used in this section, "women" or "girls" refers to biological females.

(3) "Male" means an individual whose biological sex determined at birth is male. As used in this section, "men" or "boys" refers to biological males.

(c) Designation of Athletic Teams. —

(1) Interscholastic, intercollegiate, intramural, or club athletic teams or sports that are sponsored by any public secondary school or a state institution of higher education, including a state institution that is a member of the National Collegiate Athletic Association (NCAA), National Association of Intercollegiate Athletics (NAIA), or National Junior College Athletic Association (NJCAA), shall be expressly designated as one of the following based on biological sex:

(A) Males, men, or boys;

(B) Females, women, or girls; or

(C) Coed or mixed.

(2) Athletic teams or sports designated for females, women, or girls shall not be open to students of the male sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport.

(3) Nothing in this section shall be construed to restrict the eligibility of any student to participate in any interscholastic, intercollegiate, or intramural athletic teams or sports designated as “males,” “men,” or “boys” or designated as “coed” or “mixed”: *Provided*, That selection for a team may still be based on those who try out and possess the requisite skill to make the team.

(d) Cause of Action. —

(1) Any student aggrieved by a violation of this section may bring an action against a county board of education or state institution of higher education alleged to be responsible for the alleged violation. The aggrieved student may seek injunctive relief and actual damages, as well as reasonable attorney’s fee and court costs, if the student substantially prevails.

(2) In any private action brought pursuant to this section, the identity of a minor student shall remain private and anonymous.

(e) The State Board of Education shall promulgate rules, including emergency rules, pursuant to §29A-3B-1 *et. seq.* of this code to implement the provisions of this section. The Higher Education Policy Commission and the Council for Community and Technical College Education shall promulgate emergency rules and propose rules for legislative approval pursuant to §29A-3A-1 *et. seq.* of this code to implement the provisions of this section.

The bill (Eng. Com. Sub. for H. B. 3293), as amended, was then ordered to third reading.

Eng. House Bill 3294, Relating to unemployment insurance.

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

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

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

At the request of Senator Takubo, unanimous consent being granted, the resolution was laid over one day, retaining its place on the calendar.

House Joint Resolution 2, Providing that courts have no authority or jurisdiction to intercede or intervene in, or interfere with, any impeachment proceedings of the House of Delegates or the Senate.

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

At the request of Senator Takubo, unanimous consent being granted, the resolution was laid over one day, retaining its place on the calendar.

The Senate proceeded to the tenth order of business.

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

Eng. Com. Sub. for House Bill 2002, Relating to Broadband.

Eng. Com. Sub. for House Bill 2017, Rewriting the Criminal Code.

Eng. Com. Sub. for House Bill 2507, Remove the limitations on advertising and promotional activities by limited video lottery retailers.

Eng. House Bill 2730, Relating to persons filing federal bankruptcy petition to exempt certain property of the estate.

Eng. Com. Sub. for House Bill 2773, Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake.

Eng. House Bill 2830, Relating generally to sex trafficking.

Eng. Com. Sub. for House Bill 2842, Preventing cities from banning utility companies in city limits.

Eng. House Bill 2918, Relating to Family Drug Treatment Court.

Eng. Com. Sub. for House Bill 3254, Authorizing members of development authorities to accept federally authorized reimbursement for services which the members rendered on a voluntary basis.

Eng. House Bill 3286, Making a supplementary appropriation to the Division of Human Services – Child Care and Development.

Eng. House Bill 3287, Making a supplementary appropriation to the Department of Homeland Security.

Eng. House Bill 3288, Supplementing and amending appropriations by decreasing and increasing existing items of appropriation in the DHHR.

Eng. House Bill 3289, Supplementary appropriation to the Department of Commerce, Geological and Economic Survey.

Eng. House Bill 3291, Making a supplementary appropriation to the Department of Homeland Security, Division of Administrative Services.

Eng. House Bill 3292, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health.

Eng. Com. Sub. for House Bill 3295, Making a supplemental appropriation to Division of Human Services and Division of Health Central Office.

Eng. Com. Sub. for House Bill 3297, Making a supplemental appropriation to the Department of Veterans' Assistance - Veterans Home.

And,

Eng. House Bill 3310, Relating to the jurisdiction of the Public Service Commission.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Woelfel.

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:25 a.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 5:26 p.m. today and, without objection, returned to the third order of business.

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

Eng. Senate Bill 359, Informing landowners when fencing that may contain livestock is damaged due to accident.

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

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

On page 1, Section 17, line 4, by following the words "to contact" by inserting the word "either" and, on lines 4 and 5, by striking out the words "that owns the fence." and inserting in lieu thereof, the words "or any known lessee of the land by immediately reporting the fence damage to dispatch to initiate an attempt to alert the landowner or lessee of the fence damage.";

And,

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

Eng. Senate Bill 359—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-4-17, relating to law enforcement making reasonable attempt to contact a landowner or lessee when an accident occurs that damages a fence that could contain livestock.

On motion of Senator Takubo, the following amendment to the House of Delegates amendments to the bill (Eng. S. B. 359) was reported by the Clerk and adopted:

On page one, section seventeen, after the word "land" by striking out the words "by immediately reporting the fence damage to dispatch to initiate an attempt".

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

Engrossed Senate Bill 359, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—28.

The nays were: None.

Absent: Beach, Boley, Ihlenfeld, Stollings, Unger, and Woelfel—6.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 359) passed with its House of Delegates amended title.

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

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

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

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

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

On page two, section §18-5-16, following line 34, by inserting a new paragraph (F) to read as follows:

(F) The county board to which the student wishes to be transferred may not refuse a transfer by virtue of the student transferring from a private, parochial, church or religious school holding an exemption approved pursuant to §18-8-1(k) of this code.;

And,

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

Eng. Com. Sub. for Senate Bill 375—A Bill to amend and reenact §18-5-16 of the Code of West Virginia, 1931, as amended, relating to county board of education open enrollment; amending provisions pertaining to the contents of county board of education policies for open enrollment; prohibiting transfer refusal by virtue of student transferring from approved exemption (k) school; setting forth reasons for which an open enrollment application may be denied and the process for application denial; and amending provisions pertaining to funding in certain instances of a student transfer.

On motion of Senator Takubo, the following amendment to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 375) was reported by the Clerk and adopted:

On page two, after the word “code”, by changing the period to a colon and adding the following proviso: *Provided*, That nothing in this paragraph shall be construed to allow a county board to give an enrollment preference to a student transferring from a private, parochial, church, or religious school holding an exemption approved pursuant to §18-8-1(k) of this code.

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

Engrossed Committee Substitute for Senate Bill 375, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—28.

The nays were: None.

Absent: Beach, Boley, Ihlenfeld, Stollings, Unger, and Woelfel—6.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 375) passed with its House of Delegates amended title.

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

The Senate again 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 6th day of April, 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. 346), Authorizing DMV use electronic means when providing notice for licensees and vehicle owners.

(Com. Sub. for S. B. 429), Exempting Division of Emergency Management from Purchasing Division requirements for certain contracts.

(Com. Sub. for S. B. 587), Making contract consummation with state more efficient.

And,

(S. B. 693), Updating certain definitions and terms used in WV Personal Income Tax Act.

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 Concurrent Resolution 3, Urging Congress reopen public lands in WV.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 3 (originating in the Committee on Government Organization)—Urging the United States Congress to reopen public lands in the State of West Virginia.

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

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

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

Whereas, off-highway vehicle recreation can provide greater access to the state's public lands for disabled persons; and

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

Resolved by the Legislature of West Virginia:

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

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

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

Mark R. Maynard,
Chair.

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

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

Senate Concurrent Resolution 55, Supporting Atlantic Coast Pipeline.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Randy E. Smith,
Chair.

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

Your Committee on Education has had under consideration

Senate Concurrent Resolution 61, Requesting study on consolidating county boards of education to provide efficiencies and direct cost savings.

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 Rules.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

The resolution, under the original double committee reference, was then referred to the Committee on Rules, with an amendment from the Committee on Education pending.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 66 (originating in the Committee on Transportation and Infrastructure)—Requesting the Joint Committee on Government and Finance and the Legislative Oversight Commission on Department of Transportation Accountability study existing and potential income sources for the State Road Fund.

Whereas, The West Virginia State Road Fund is the primary mechanism for collecting and distributing highway and maintenance funds in West Virginia; and

Whereas, The West Virginia Blue Ribbon Commission on Highways noted in its Final Report in 2015 that State Road Fund revenues have not kept pace with inflation, and traditional highway funding mechanisms are insufficient to maintain current state infrastructure; and

Whereas, The motor fuel excise tax has provided the bulk of transportation revenues for the West Virginia Division of Highways; and

Whereas, Based on recent announcements, including the U.S. President's January 27, 2021 Executive Order on Tackling the Climate Crisis at Home and Abroad, which announced the development of a plan to achieve or facilitate clean and zero-emission vehicles for federal, state, local, and Tribal government fleets, the number of alternative fuel vehicles on West Virginia roads will increase, thereby reducing the use of motor fuel and motor fuel excise taxes; and

Whereas, The Federal Highway Administration in July 2017 reported that highway construction costs nationwide grew by an estimated 68 percent over the last 13 years, and that key highway components, as measured by the Bureau of Labor Statistics, like asphalt, concrete, and metal, grew at 107 percent, 61 percent, and 45 percent, respectively between 2003 and 2016; and

Whereas, The National Highway Construction Cost Index has shown further cost increases since 2016, amplifying the need for additional funding for the State Road Fund; and

Whereas, It is imperative that West Virginia's transportation infrastructure be improved and maintained; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance and the Legislative Oversight Commission on Department of Transportation Accountability are hereby requested to study existing and potential income sources for the State Road Fund; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the Legislature, on the first day of the regular session of the Legislature, 2022, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation, be paid from legislative appropriations to the Joint Committee on Government and Finance.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the resolution (S. C. R. 66) contained in the foregoing report from the Committee on Transportation and Infrastructure was then referred to the Committee on Rules.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 67 (originating in the Committee on Transportation and Infrastructure)—Requesting the Joint Committee on Government and Finance and the Legislative Oversight Commission on Department of Transportation Accountability study criteria for honorary infrastructure naming resolutions.

Whereas, The West Virginia Division of Highways reports that the West Virginia Legislature has adopted between 40 and 95 honorary naming resolutions each regular legislative session during the last ten years, totaling approximately 700 resolutions; and

Whereas, The Division of Highways further reports that each naming resolution costs \$700 on average for sign fabrication and installation, a cost that neither includes the time spent by division employees when assisting with the process of gathering data for such resolutions, nor the time spent by legislative staff tasked with drafting, reviewing, researching, proofing, and processing such naming resolutions; and

Whereas, The West Virginia Legislature, especially the Senate Committee on Transportation and Infrastructure and its staff, spends numerous hours per legislative session working on these resolutions, sometimes at the expense of bills; and

Whereas, The Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) places restrictions on the placement and design of signs and sign content, and violation of the MUTCD could result in the loss of federal funding to the State of West Virginia; and

Whereas, Naming resolutions frequently put the West Virginia Division of Highways in the unenviable position of violating legal directives, such as the Governor's Executive Order No. 2-12, when fulfilling the resolution's request for a particular name honoring a military veteran; and

Whereas, The Legislature commonly adopts road naming resolutions that direct naming signs be placed on roads already named by counties, roads for which West Virginia Code §7-1-3 provides county commissions, in cooperation with local postal authorities, the Division of Highways, and the directors of county emergency communications centers, jurisdiction to name or rename; and

Whereas, Placing contradictory naming signs on the same road may create confusion and delay emergency response times; and

Whereas, West Virginia, like other nearby states with similar infrastructure naming programs, should develop a process, requirements, and criteria that must be met before honorees are considered for an infrastructure naming; and

Whereas, It is in the state's best interest that the time, money, and resources of the Division of Highways and the Legislature be used responsibly in a way that best benefits the state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance and the Legislative Oversight Commission on Department of Transportation Accountability are hereby requested to study criteria for honorary infrastructure naming resolutions; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the Legislature, on the first day of the regular session of the Legislature, 2022, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation, be paid from legislative appropriations to the Joint Committee on Government and Finance.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the resolution (S. C. R. 67) contained in the foregoing report from the Committee on Transportation and Infrastructure was then referred to the Committee on Rules.

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 Concurrent Resolution 68 (originating in the Committee on Government Organization)—Requesting the Joint Committee on Government and Finance study paid family leave for state employees and employees of county boards of education.

Whereas, The Parental Leave Act currently provides unpaid family leave of up to 12 weeks for employees of the state and county boards of education in certain circumstances; and

Whereas, There is bipartisan support to provide paid family leave of up to 12 weeks pursuant to the Parental Leave Act under certain circumstances; and

Whereas, Providing paid family leave will likely improve state and county boards of education employee hiring and retention; and

Whereas, The State of West Virginia and county boards of education will incur significant costs to provide paid family leave; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study paid family leave for state employees and employees of county boards of education; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2022, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

And reports the same back with the recommendation that it be adopted; but with the further recommendation that it first be referred to the Committee on Rules.

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the resolution (S. C. R. 68) contained in the foregoing report from the Committee on Transportation and Infrastructure was then referred to the Committee on Rules.

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 Concurrent Resolution 69 (originating in the Committee on Government Organization)—Requesting the Department of Economic Development, in collaboration and consultation with the State Department of Commerce, the State Department of Tourism, and the State Department of Transportation, study, develop, and present a plan to promote adventure travel throughout the state.

Whereas, Adventure travel is enjoying an ever-increasing popularity in West Virginia; and

Whereas, Adventure travel includes both motorized recreation and motorized off-highway access to nonmotorized recreation activities; and

Whereas, The indiscriminate and uncontrolled use of those vehicles may have a deleterious impact on the environment, wildlife habitats, sensitive areas, native wildlife, and native flora; and

Whereas, The Legislature hereby declares that effectively managed areas and adequate facilities for the use of off-highway vehicles, conservation, and enforcement are essential for ecologically balanced recreation; and

Whereas, Existing adventure travel recreational areas, facilities, and opportunities should be expanded and managed in a manner consistent with this article, with particular focus on maintaining sustained, long-term use; and

Whereas, New adventure travel recreational areas, facilities, and opportunities should be provided and managed pursuant to this article in a manner that will conscientiously sustain long-term use; and

Whereas, The Department of Commerce should support both motorized adventure travel recreation and motorized off-highway access to nonmotorized recreation; and

Whereas, When an area or trail or portion thereof cannot be maintained to appropriate established standards for sustained long-term use, it should be closed to use and brought back into compliance with those standards. Those areas should remain closed until they can be managed within soil conservation and wildlife protection standards and, if these standards cannot be met, those areas should, at a minimum, be restored to the condition prior to the use of the area, trail, or portion designated for vehicular recreation; and

Whereas, Adventure travel motor vehicle recreation should be managed through financial assistance to local governments and joint undertakings with agencies of the United States; therefore, be it

Resolved by the Legislature of West Virginia:

That the Department of Economic Development, in collaboration and consultation with the State Department of Commerce, the State Department of Tourism, and the State Department of Transportation, is hereby requested to develop and present a plan to promote adventure travel throughout the state; and, be it

Further Resolved, That this plan shall include, but not be limited to, programs to encourage federal funding of adventure travel initiatives; and, be it

Further Resolved, That the plan shall consider the following areas:

- (1) Limiting liability of railroad companies which allow unused rail lines to be used for tourism or the public good;
- (2) Creation of the Office of Adventure Travel Recreation;
- (3) Earmarking a portion of the State Road Fund to benefit adventure travel recreation;
- (4) Updating the Division of Highways road abandonment and discontinuance rules and procedures;
- (5) Mapping all roads in state forests, state parks, national forests, and national parks which are state roads;
- (6) Updating the Division of Highways reporting mechanism for illegal gates and other public road blockages;
- (7) Authorization of the Division of Natural Resources to make rules consistent with federal outfitter and guide operating guidelines, and to require training and permitting for outfitters offering jeep tour services;
- (8) Creation of wildlife viewing stamps which allow public access to normally inaccessible state roads during certain times of year;
- (9) Creation of dispersed camping stamps which allow public access to normally inaccessible state property during certain times of year; and
- (10) Creation of an Adopt-A-Trail program which would allow volunteer organizations to participate in trail beautification in the state; and, be it

Further Resolved, That the Department Economic Development report to the regular session of the Legislature, 2022, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid by the Joint Committee on Government and Finance.

And reports the same back with the recommendation that it be adopted; but with further recommendation that it first be referred to the Committee on Rules.

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the resolution (S. C. R. 69) contained in the foregoing report from the Committee on Government Organization was then referred to the Committee on Rules.

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

Your Committee on Education has had under consideration

Senate Concurrent Resolution 70 (originating in the Committee on Education)—Requesting the Joint Committee on Government and Finance to study and examine the population of children experiencing homelessness, as defined by McKinney-Vento Homeless Assistance Act, and the services provided to those children.

Whereas, “Children experiencing homelessness” is defined as a child who lacks a fixed, regular, and adequate nighttime residence. In accordance with McKinney-Vento Homeless Assistance Act, as amended by the Every Student Success Act, a child experiencing homelessness includes children: (i) Who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or awaiting foster care placement; (ii) children who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; (iii) children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; (iv) migratory children; and (v) children not in the physical custody of a parent or guardian; and

Whereas, Children experiencing homelessness are at greater risk of entering the child welfare system or juvenile justice system; being victims of sex trafficking; suffering from mental health and behavioral health issues; and experiencing significant disruptions in their education; and

Whereas, Both the West Virginia Department of Education and West Virginia Department of Health and Human Resources provide services to this vulnerable population, which are funded by both state and federal funds; and

Whereas, Coordinating the services provided by the West Virginia Department of Education and West Virginia Department of Health and Human Resources will ensure that all children experiencing homelessness will be served and will expose any gaps or barriers in providing such services, if any; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study and examine the population of children experiencing homelessness, as defined by McKinney-Vento Homeless Assistance Act, and the services provided to those children; and, be it

Further Resolved, That the examination at least include requesting a joint report from the West Virginia Department of Health and Human Resources and the West Virginia Department of Education on potential methods of ensuring that all county boards of education are using the correct definition of children experiencing homelessness when identifying these children; the services provided to homeless children by the West Virginia Department of Health and Human Resources and West Virginia Department of Education; any identified service gaps or barriers; and any recommendations for statutory changes needed to overcome the service gaps or barriers, if necessary; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2022, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the resolution (S. C. R. 70) contained in the foregoing report from the Committee on Education was then referred to the Committee on Rules.

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

Your Committee on Education has had under consideration

Eng. House Bill 2029, Relating to teacher preparation clinical experience programs.

And has amended same.

Eng. Com. Sub. for House Bill 2145, Relating to student aide class titles.

And has amended same.

Eng. House Bill 3177, Removing expired, outdated, inoperative and antiquated provisions and report requirements in education.

And has amended same.

And,

Eng. House Bill 3299, Authorizing Higher Education Rules.

And has amended same.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2266, Relating to expanding certain insurance coverages for

pregnant women.

With an amendment from the Committee on Health and Human Resources pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Health and Human Resources to which the bill was first referred.

Respectfully submitted,

Eric J. Tarr,
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

Eng. House Bill 2500, Create an act for Statewide Uniformity for Auxiliary Container Regulations.

And has amended same.

Eng. House Bill 3129, Relating to the Consumer Price Index rate increase.

And has amended same.

And,

Eng. House Bill 3133, Relating to motor carrier rates.

And has amended same.

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

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

Eng. Com. Sub. for House Bill 2573, Relating generally to the transparency and accountability of state grants to reduce waste, fraud, and abuse.

And has amended same.

And,

Eng. House Bill 3301, Relating generally to property tax increment financing districts.

And has amended same.

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

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

Eng. Com. Sub. for House Bill 2581, Providing for the valuation of natural resources property and an alternate method of appeal of proposed valuation of natural resources property.

And has amended same.

And reports the same back with the recommendation that it do pass, 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 bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on the Judiciary pending.

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

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 2667, To create a cost saving program for state buildings regarding energy efficiency.

And reports the same back with the recommendation that it 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, under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 2674, Relating to the administration of anesthetics.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Eng. Com. Sub. for House Bill 2720, Creating a Merit-Based Personnel System within DOT.

And has amended same.

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

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Sypolt, as vice chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Transportation and Infrastructure.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2794, To extend the Neighborhood Investment Program Act to July 1, 2026.

And,

Eng. House Bill 3308, Relating to increasing number of limited video lottery terminals.

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

Respectfully submitted,

Eric J. Tarr,
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

Eng. Com. Sub. for House Bill 2884, To make changes to the FOIA law to protect public utility customer databases from disclosure, with exceptions.

And,

Eng. House Bill 3132, Relating to motor carrier inspectors.

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

Respectfully submitted,

Mark R. Maynard,
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

Eng. Com. Sub. for House Bill 2953, To clarify that counties can hire fire fighters as paid staff and to modify the existing procedures to include a procedure of public hearing to commission a vote.

And has amended same.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 2962, Relating generally to dental practice.

And,

Eng. House Bill 3311, Relating to the cost of medical records.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Eng. Com. Sub. for House Bill 3002, Update road abandonment process.

And has amended same.

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

Respectfully submitted,

Charles H. Clements,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Eng. House Bill 3107, Declaring that Post Traumatic Stress Disorder diagnosed by a licensed psychiatrist is a compensable occupational disease for first responders.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,
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

Eng. House Bill 3128, Relating to carrier fees on 911 fee revenues.

And has amended same.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Government Organization pending.

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 3266, Providing for termination of extracurricular contact upon retirement.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Joint Resolution 3, Property Tax Modernization Amendment.

With amendments from the Committee on the Judiciary pending;

And has also amended same.

And reports the same back with the recommendation that it be adopted as last amended by the Committee on Finance.

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Com. Sub. for House Concurrent Resolution 55, Studying the viability of creating a veterinary school in West Virginia.

And,

House Concurrent Resolution 78, Requesting an examination of juvenile proceedings.

And reports the same back with the recommendation that they each be adopted; but under the original double committee references first be referred to the Committee on Rules.

Respectfully submitted,

Michael J. Maroney,
Chair.

The resolutions, under the original double committee references, were then referred to the Committee on Rules.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following resolution on April 5, 2021:

Senate Resolution 40: Senators Baldwin and Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 5:49 p.m., the Senate adjourned until tomorrow, Wednesday, April 7, 2021, at 10 a.m.

SENATE CALENDAR

**Wednesday, April 07, 2021
10:00 AM**

UNFINISHED BUSINESS

- Com. Sub. for S. C. R. 3 - Urging Congress reopen public lands in WV
- S. C. R. 55 - Supporting Atlantic Coast Pipeline
- S. R. 41 - Congratulating George Washington High School History Bowl team
- S. R. 42 - Congratulating Walker Combs for winning 2020 National History Bee Championship
- S. R. 43 - Requesting construction of off-highway vehicle trail to parallel Appalachian Hiking Trail

THIRD READING

- Com. Sub. for S. B. 125 - Budget Bill - (With right to amend)
- Eng. Com. Sub. for H. B. 2005 - Relating to health care costs
- Eng. Com. Sub. for H. B. 2022 - Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution - (With right to amend)
- Eng. Com. Sub. for H. B. 2722 - Prohibiting the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals
- Eng. Com. Sub. for H. B. 2758 - Requiring the Insurance Commissioner to regulate professional bondsmen - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 2760 - Relating to economic development incentive tax credits (original similar to SB447)
- Eng. Com. Sub. for H. B. 2793 - Permit out of state residents to obtain West Virginia concealed carry permits - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 2834 - Adding the Curator of the West Virginia Division of Arts, Culture and History as an ex officio voting member of the commission (original similar to SB557)
- Eng. H. B. 2874 - Extend the current veteran's business fee waivers to active duty military members and spouses
- Eng. Com. Sub. for H. B. 2890 - To clarify the regulatory authority of the Public Service Commission of West Virginia over luxury limousine services - (Com. title amend. pending)
- Eng. H. B. 2914 - To remove certain ex officio, voting members from the Archives and History Commission and update formatting
- Eng. H. B. 2915 - Relating to public records management and preservation

- Eng. H. B. 2969 - To clarify the procedures for the sale and operation of a municipally owned toll bridge by a private toll transportation facility - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 3293 - Relating to single-sex participation in interscholastic athletic events
- Eng. H. B. 3294 - Relating to unemployment insurance - (Com. title amend. pending)
- Eng. H. B. 3300 - Relating to reducing personal income tax rates generally - (Com. amend. and title amend. pending) - (With right to amend)

SECOND READING

- Eng. Com. Sub. for H. B. 2002 - Relating to Broadband - (Com. amend. pending)
- Eng. Com. Sub. for H. B. 2017 - Rewriting the Criminal Code - (Com. amend. and title amend. pending)
- Eng. H. B. 2379 - Make criminal invasion of privacy a felony - (Com. amend. pending)
- Eng. Com. Sub. for H. B. 2507 - Remove the limitations on advertising and promotional activities by limited video lottery retailers - (Com. amend. pending)
- Eng. H. B. 2730 - Relating to persons filing federal bankruptcy petition to exempt certain property of the estate - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 2773 - Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake
- Eng. H. B. 2830 - Relating generally to sex trafficking - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 2842 - Preventing cities from banning utility companies in city limits - (Com. amend. and title amend. pending)
- Eng. H. B. 2918 - Relating to Family Drug Treatment Court
- Eng. Com. Sub. for H. B. 3254 - Authorizing members of development authorities to accept federally authorized reimbursement for services which the members rendered on a voluntary basis - (Com. amend. and title amend. pending)
- Eng. H. B. 3286 - Making a supplementary appropriation to the Division of Human Services – Child Care and Development
- Eng. H. B. 3287 - Making a supplementary appropriation to the Department of Homeland Security
- Eng. H. B. 3288 - Supplementing and amending appropriations by decreasing and increasing existing items of appropriation in the DHHR
- Eng. H. B. 3289 - Supplementary appropriation to the Department of Commerce, Geological and Economic Survey
- Eng. H. B. 3291 - Making a supplementary appropriation to the Department of Homeland Security, Division of Administrative Services
- Eng. H. B. 3292 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health

Eng. Com. Sub. for H. B. 3295 - Making a supplemental appropriation to Division of Human Services and Division of Health Central Office

Eng. Com. Sub. for H. B. 3297 - Making a supplemental appropriation to the Department of Veterans' Assistance - Veterans Home

Eng. H. B. 3310 - Relating to the jurisdiction of the Public Service Commission - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. J. R. 1 - Education Accountability Amendment - (Com. amend. and title amend. pending)

Eng. H. J. R. 2 - Providing that courts have no authority or jurisdiction to intercede or intervene in, or interfere with, any impeachment proceedings of the House of Delegates or the Senate

FIRST READING

Eng. H. B. 2029 - Relating to teacher preparation clinical experience programs - (Com. amend. pending)

Eng. Com. Sub. for H. B. 2145 - Relating to student aide class titles - (Com. amend. pending)

Eng. Com. Sub. for H. B. 2221 - Relating to the establishment of an insurance innovation process - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 2266 - Relating to expanding certain insurance coverages for pregnant women - (Com. amend. pending)

Eng. H. B. 2500 - Create an act for Statewide Uniformity for Auxiliary Container Regulations - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 2573 - Relating generally to the transparency and accountability of state grants to reduce waste, fraud, and abuse - (Com. amend. pending)

Eng. Com. Sub. for H. B. 2674 - Relating to the administration of anesthetics - (Com. amend. pending)

Eng. Com. Sub. for H. B. 2720 - Creating a Merit-Based Personnel System within DOT - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 2794 - To extend the Neighborhood Investment Program Act to July 1, 2026

Eng. Com. Sub. for H. B. 2884 - To make changes to the FOIA law to protect public utility customer databases from disclosure, with exceptions

Eng. Com. Sub. for H. B. 2927 - Adding Caregiving expenses to campaign finance expense - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 2953 - To clarify that counties can hire fire fighters as paid staff and to modify the existing procedures to include a procedure of public hearing to commission a vote - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 2962 - Relating generally to dental practice

Eng. Com. Sub. for H. B. 3002 - Update road abandonment process - (Com. amend. and title amend. pending)

Eng. H. B. 3078 - Relating to powers and duties of the parole board - (Com. amend. and title amend. pending)

Eng. H. B. 3107 - Declaring that Post Traumatic Stress Disorder diagnosed by a licensed psychiatrist is a compensable occupational disease for first responders - (Com. amend. pending)

Eng. H. B. 3129 - Relating to the Consumer Price Index rate increase - (Com. title amend. pending)

Eng. H. B. 3132 - Relating to motor carrier inspectors

Eng. H. B. 3133 - Relating to motor carrier rates - (Com. title amend. pending)

Eng. H. B. 3177 - Removing expired, outdated, inoperative and antiquated provisions and report requirements in education - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 3215 - Amending the requirements to become an elected prosecutor - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 3266 - Providing for termination of extracurricular contact upon retirement

Eng. H. B. 3299 - Authorizing Higher Education Rules - (Com. amend. pending)

Eng. H. B. 3301 - Relating generally to property tax increment financing districts - (Com. amend. and title amend. pending)

Eng. H. B. 3304 - Authorizing the Division of Corrections and Rehabilitation to establish a Reentry and Transitional Housing Program - (Com. amend. and title amend. pending)

Eng. H. B. 3308 - Relating to increasing number of limited video lottery terminals

Eng. H. B. 3311 - Relating to the cost of medical records

Eng. Com. Sub. for H. J. R. 3 - Property Tax Modernization Amendment - (Com. amend. and title amend. pending)

NO COMMITTEE MEETING ANNOUNCEMENTS