

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2021
SEVENTEENTH DAY

Charleston, West Virginia, Friday, February 26, 2021

The Senate met at 11:01 a.m.

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

Prayer was offered by First Sergeant Jay Powers, West Virginia State Police, Milton, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ron Stollings, a senator from the seventh district.

Pending the reading of the Journal of Thursday, February 25, 2021,

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

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2372—A Bill to amend and reenact §3-8-5e of the Code of West Virginia, 1931, as amended, relating to modifying the date to file pre-candidacy registration papers to the day after a general election is held.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 102, Allowing disabled purple heart recipients park free at municipal metered parking spaces.

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

Com. Sub. for Senate Bill 102 (originating in the Committee on Military)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-15a, relating to disabled veterans and veterans who received the Purple Heart medal may park free at parking spaces controlled by this state or any political subdivision thereof.

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

Respectfully submitted,

Ryan W. Weld,
Chair.

At the request of Senator Maynard, as chair of the Committee on Government Organization, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Military.

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

Your Committee on Government Organization has had under consideration

Senate Bill 318, Relating generally to public notice of unclaimed property held by State Treasurer.

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

Com. Sub. for Senate Bill 318 (originating in the Committee on Government Organization)—A Bill to amend and reenact §36-8-9 of the Code of West Virginia, 1931, as amended, relating generally to public notice of unclaimed property held by the State Treasurer; eliminating the requirement that the Treasurer publish the unclaimed property registry in newspapers; requiring the Treasurer to publish a searchable database of persons appearing to be the owners of unclaimed property, to be updated every six months; requiring the Treasurer to publish an annual advertisement regarding unclaimed property in a newspaper of general circulation in certain counties; and setting forth required content for said advertisement

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

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 318), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Education has had under consideration

Senate Bill 356, Allowing for written part of drivers' exam given in high school drivers' education course.

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

Com. Sub. for Senate Bill 356 (originating in the Committee on Education)—A Bill to amend and reenact §17B-2-7 of the Code of West Virginia, 1931, as amended, relating to allowing the written part of the operator's license examination to be given in school driver's education courses.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,
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

Senate Bill 387, Relating to drug screening of applicants for cash assistance.

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

Com. Sub. for Senate Bill 387 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §9-3-6 of the Code of West Virginia, 1931, as amended, relating to the program for drug screening of applicants for cash assistance, providing extension of timeframe for program.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senator Nelson:

Senate Bill 460—A Bill to amend and reenact §7-14D-2, §7-14D-11, §7-14D-13, §7-14D-19, and §7-14D-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §7-14D-32, all relating to the Deputy Sheriff Retirement

System Act; defining terms; amending and removing conflicting statutory provisions; clarifying preretirement death benefits; and adding a severability clause.

Referred to the Committee on Pensions.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 461—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Emergency Management, fund 0443, fiscal year 2021, organization 0606, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Rucker:

Senate Bill 462—A Bill to amend and reenact §11-13J-6 and §11-13J-12 of the Code of West Virginia, 1931, as amended, all relating to extending the Neighborhood Investment Program Act until July 1, 2026.

Referred to the Committee on Finance.

By Senator Azinger:

Senate Bill 463—A Bill to amend and reenact §33-41-8 and §33-41-8a of the Code of West Virginia, 1931, as amended, all relating to the consolidation of the positions of the Inspector General of the former Workers' Compensation Commission's Fraud and Abuse Unit and the position of Director of the Insurance Fraud Unit.

Referred to the Committee on Banking and Insurance.

By Senator Plymale:

Senate Bill 464—A Bill to amend and reenact §22-15-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-15-24, all relating to the development and implementation of a program to regulate source-separated organic material waste; requiring permits for the facilities and general operation; providing for general handling of organic material waste; authorizing the secretary to promulgate rules; and authorizing the secretary to provide exemptions.

Referred to the Committee on Economic Development.

By Senator Unger:

Senate Bill 465—A Bill to amend and reenact §5H-1-1 of the Code of West Virginia, 1931, as amended, relating to defining terms to assure that correctional officers are considered law-enforcement officers for the purpose of the West Virginia Fire, EMS, and Law-Enforcement Survivor Benefit Act.

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

By Senator Maynard:

Senate Bill 466—A Bill to amend and reenact §30-38-4, §30-38-6, and §30-38-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-38A-3, §30-38A-4, §30-38A-

8, and §30-38A-10 of said code, all relating to expanding and clarifying the definition of “appraisal management company” for purposes of the Real Estate Appraiser Licensing and Certification Act, as well as the Appraisal Management Companies Registration Act.

Referred to the Committee on Government Organization.

By Senator Nelson:

Senate Bill 467—A Bill to amend and reenact §8-22A-2, §8-22A-14, §8-22A-16, §8-22A-17, §8-22A-18, and §8-22A-22 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §8-22A-34 and §8-22A-35, all relating to the West Virginia Municipal Police Officers and Firefighters Retirement System; defining terms; removing conflicting and obsolete statutory provisions; clarifying preretirement death benefits; clarifying commencement date of disability benefits; adding return to covered employment provisions; and adding a severability clause.

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

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 468—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry, fund 0250, fiscal year 2021, organization 0305, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Maynard:

Senate Bill 469—A Bill to amend and reenact §39-4-6 of the Code of West Virginia, 1931, as amended, relating to permitting personal appearance by video technology before notarial officer.

Referred to the Committee on the Judiciary.

By Senator Woelfel:

Senate Bill 470—A Bill to amend and reenact §5A-8-21 and §5A-8-22 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5A-8-24, all relating to clarifying that disclosure of certain information such as home addresses are exempt and disclosure would constitute an unreasonable invasion of privacy; relating to the prohibition of disclosure of home address or unpublished telephone number of certain public officials within the justice system; relating to the creation of a cause of action for intentional or reckless disregard for disclosure of protected information of certain public officials within the justice system; providing a procedure for removal request of certain information for certain public officials within the justice system; and providing a cause of action for failure to comply with a removal request of certain information for certain public officials within the justice system.

Referred to the Committee on Government Organization.

By Senator Maynard:

Senate Bill 471—A Bill to amend and reenact §15A-11-8 and 15A-11-9 of the Code of West Virginia, 1931, as amended, all relating to requiring the fire officer 2 training to contain a component on current laws, rules, and regulations governing the fire service; requiring the firefighter 1 training to contain a section on the Fire Commission, Fire Marshal’s Office, and the

operations of both; establishing a mandatory certification program for fire chiefs, or acting chiefs, of every fire department; requiring the Fire Commission propose emergency legislative rules and legislative rules to implement the certification process; setting forth the process of denial, suspension, or revocation of fire departments, chiefs, or acting chiefs, and the conditions under which the certification can be denied, suspended, or revoked; allowing persons with specialized training to be members of volunteer fire departments who are not certified as firefighters; limiting the actions of specialized members of fire departments who are not certified firefighters; requiring the Fire Commission to propose emergency legislative rules and legislative rules to implement the process of allowing specialized members of departments; allowing the Fire Commission to propose emergency rules and legislative rules governing the activities of junior firefighters; requiring the Fire Marshal to issue certificates to departments following a department evaluation; and requiring that certificate of evaluation be posted at the fire department in a conspicuous place to be visible to members of the department and to members of the public.

Referred to the Committee on Government Organization.

By Senator Maynard:

Senate Bill 472—A Bill to amend and reenact §30-1A-1, §30-1A-2, §30-1A-3, §30-1A-4, §30-1A-5, and §30-1A-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-1A-1a, all relating to regulation of occupations and professions; providing for legislative policy; providing for definitions; providing for criteria to analyze a required application to regulate an occupation or profession; providing for the Performance Evaluation and Research Division to conduct an analysis of the application; providing for a rebuttable presumption against regulating an occupation or profession absent certain conditions; providing for criteria to assess harms to consumers and possible recommendations that may be instituted against an occupation or profession; providing for an economic study of the recommendations made; providing for a time frame for the Performance Evaluation and Research Division to conduct the analysis and return a report; providing for recommendations based on the assessed harm to consumers in the Performance Evaluation and Research Division's report; providing for additional recommendations and findings by the Joint Standing Committee on Government Organization; providing that additional findings by the Joint Standing Committee on Government Organization are made public; providing for the committee's findings and recommendations along with any report be submitted to any committee considering legislation prior to voting; providing for the Performance Evaluation and Research Division begin a review of existing licenses under certain criteria; providing for an effective date for licensure review; providing for a review of a certain percentage of licenses annually; providing for annual licensing review to be set by the chairs of the Joint Standing Committee on Government Organization; providing for an eight-year review schedule; providing for the Performance Evaluation and Research Division to report its findings and recommendations to the committee relating to licensing review; providing an effective date for the Performance Evaluation and Research Division to begin reporting its findings and recommendations to the committee; and providing for mechanisms of statutory interpretation relating to government regulations of occupations or professions.

Referred to the Committee on Government Organization.

By Senator Maynard:

Senate Bill 473—A Bill to amend and reenact §20-5-2 of the Code of West Virginia, 1931, as amended, relating to allowing primitive camping on state property; and requiring a primitive camping stamp.

Referred to the Committee on Natural Resources.

By Senator Clements:

Senate Bill 474—A Bill to amend and reenact §17-2A-13 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to utilize its own purchasing and contracting system; mandating compliance with Federal Highway Administration and other requirements; and requiring a procedural rule.

Referred to the Committee on Transportation and Infrastructure.

By Senator Tarr:

Senate Bill 475—A Bill to amend and reenact §19-1A-3 of the Code of West Virginia, 1931, as amended, to amend and reenact §19-1B-8 of said code; to amend said code by adding thereto a new section, designated §20-1-9a; to amend said code by adding thereto a new section, designated §21-1-5; to amend said code by adding thereto a new section, designated §22-1-11a; and to amend and reenact §30-1-10 of said code, all relating to dedicating fees collected by various agencies and licensing boards to General Revenue Fund; making technical corrections; providing for exceptions; and setting out an effective date.

Referred to the Committee on Finance.

By Senator Woelfel:

Senate Bill 476—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5B-20, relating to sexual assault forensic exams (rape kits); and requiring hospitals to staff qualified health care providers to conduct sexual assault forensic examinations and to collect sexual assault forensic examination kits.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the eighth order of business.

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 80) 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 2019, Elevating Economic Development and Tourism Departments.

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 House Bill 2019 pass?”

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2019) passed with its title.

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

The Senate proceeded to the ninth order of business.

Senate Bill 16, Providing continued eligibility for developmental disability services to dependents of military members.

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

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

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

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

On page one, section twenty-two-b, line four, after the word “deceased.” by adding the following: The prohibition created by this section may be waived, in whole or in part, by order of the circuit court of the county in which the criminal charge or petition is pending for good cause shown.

Following discussion,

The question being on the adoption of the amendment offered by Senator Karnes to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 353), as amended, was then ordered to engrossment and third reading.

Senate Bill 308, Modifying requirement that racetrack participate in WV Thoroughbred Development Fund by certain date.

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

Com. Sub. for Senate Bill 321, Clarifying and updating language regarding Fairmont State alumni license plates.

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

Senate Bill 338, Creating Fire Service Equipment and Training Fund.

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

Senate Bill 358, Removing prohibition on ATMs located in area where racetrack video lottery machines are located.

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

Senate Bill 374, Increasing threshold for bid requirement to \$10,000 to be consistent with other state agencies.

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

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

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

Com. Sub. for Senate Bill 389, Relating to State Resiliency Office responsibility to plan for emergency and disaster response, recovery, and resiliency.

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 2012, Relating to public charter schools.

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

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

On page two, section one, lines thirty-four and thirty-five, by striking out the words "10 pilot public charter schools until July 1, 2023" and inserting in lieu thereof the words "3 pilot public charter schools until July 1, 2024";

On page three, section one, line forty-three, by striking out the word “Legislator” and inserting in lieu thereof the word “Legislative”;

On page five, section two, line forty-seven, by striking out the word “an” and inserting in lieu thereof the words “a public or private nonprofit or for-profit”;

On page ten, section five, line thirty-four, after the word “purposes” by striking out the period and inserting the words “except as needed under the provisions of the Public School Support Plan for funding purposes.”;

On page ten, section five, line thirty-nine, after the word “foundation” by inserting the word “allowance”;

On page thirteen, section six, lines fifty-six and fifty-seven by changing the colon to a period and striking out the proviso;

On page fifteen, section nine, line twenty-seven, by striking out the words “that set forth”;

On page sixteen, section nine, line fifty-seven by striking out the word “not”;

On page eighteen, section ten, line ten after the word “of” by inserting the words “the school year before”;

On page twenty, section ten, line sixty-eight, after the words “an authorizer” by inserting the words “revokes or”;

On page twenty, section ten, line sixty-nine, after the word “is” by inserting the words “revoked or”;

On page twenty, section ten, line seventy-six, after the word “threatened” by striking out the period and inserting the words “or if an administrator employed by or member of the governing board over the charter school is convicted of fraud or misappropriation of funds.”;

On page twenty-six, section fourteen, line four, by striking out the word “one” and inserting in lieu thereof the word “two”;

On page twenty-six, section fourteen, line six, by striking out “10” and inserting in lieu thereof the word “five”;

On page twenty-six, section fourteen, line six, after the word “year” by changing the semicolon to a colon and inserting the following proviso: “*Provided*, That a statewide virtual public charter school shall enroll no more than 1,500 students total before July 1, 2024.”;

On page twenty-six, section fourteen, line seventeen after the words “Virtual public charter school” by inserting the word “funding”;

On page twenty-six, section fourteen, lines nineteen through twenty-two, by striking out all of subdivision (5) and inserting in lieu thereof a new subdivision (5) to read as follows:

(5) After enrolling a student who needs special education services, a virtual public charter school shall schedule a meeting of the student’s Individual Education Program (IEP) team. A

virtual public charter school shall not deny or delay enrollment pending review during a student's IEP team meeting.;

On page twenty-eight, section fourteen, line seventy-two, by striking out the word "the" and inserting in lieu thereof the word "this";

And,

On pages thirty-one and thirty-two, section fifteen, lines sixty-six through seventy-four, by striking out all of subsection (k) and inserting in lieu thereof a new subsection (k), to read as follows:

(k) The Professional Charter School Board shall investigate official complaints submitted to it that allege serious impairments in the quality of education in a public charter school or virtual public charter school it has authorized pursuant to this article, or that allege such schools are in violation of the policies or laws applicable to them. The Professional Charter School Board also may at its own discretion conduct or cause to be conducted audits of the education and operation of public charter schools or virtual public charter schools it has authorized pursuant to this article that it determines necessary to achieve its mission of authorizing high-quality public charter schools. Upon a determination that serious impairments or violations exist, the Professional Charter School Board shall promptly notify in writing the public charter school governing board of the perceived serious impairments or violations and provide reasonable opportunity for the school to remedy the serious impairments or violations. The Professional Charter School Board shall take corrective actions or exercise sanctions in response to apparent serious impairments or violations. If warranted, the actions or sanctions may include requiring a charter school to develop and execute a corrective action plan within a specified time frame.

On motion of Senator Sypolt, the following amendments to the Education committee amendments to the bill (Eng. Com. Sub. for H. B. 2012) were next reported by the Clerk and considered simultaneously:

On page one, by striking out the amendment on page two, section one, lines thirty-four and thirty-five in its entirety;

On page two, by striking out the amendment on page twenty, section ten, line seventy-six and inserting in lieu thereof the following: after the word "threatened", by inserting a comma and the words "an administrator employed by or member of the governing board over the charter school is convicted of fraud or misappropriation of funds, there is a failure to meet generally accepted standards of financial management, there is a material breach of the charter contract, there is a substantial violation of any provision of law from which the public charter school is not exempted, or there are dire and chronic academic deficiencies";

On page two, by striking out the following amendment: on page twenty-six, section fourteen, line six, after the word "year" by changing the semicolon to a colon and inserting the following proviso: "*Provided*, That a statewide virtual public charter school shall enroll no more than 1,500 students total before July 1, 2024;";

And,

On page two, in the amendment on page twenty-six, section fourteen, lines nineteen through twenty-two, by striking out all of subdivision (5) and inserting in lieu thereof a new subdivision (5) to read as follows:

(5) When enrolling a student who may require special education services, the same obligations apply to a virtual public charter school as applies to all other public charter schools. Enrollment shall not be denied or delayed on the basis of a disability and the charter school shall convene an Individualized Education Program (IEP) meeting after admission to ensure that the school develops an appropriate IEP in accordance with all of the requirements set forth in the Individuals with Disabilities Education Act (IDEA).

Following extended discussion,

The question being on the adoption of Senator Sypolt's amendments to the Education committee amendments to the bill (Eng. Com. Sub. for H. B. 2012), and on this question, Senator Romano demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Boley, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—19.

The nays were: Baldwin, Beach, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Stover, Unger, and Woelfel—15.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Sypolt's amendments to the Education committee amendments to the bill adopted.

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

The question now being on the adoption of the Education committee amendments to the bill, as amended, and on this question, Senator Romano demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Boley, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—19.

The nays were: Baldwin, Beach, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Stover, Unger, and Woelfel—15.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the Education committee amendment to the bill, as amended, adopted.

On motion of Senator Baldwin, the following amendment to the bill (Eng. Com. Sub. for H. B. 2012) was next reported by the Clerk:

On page two, section one, line thirty-fix, after the number “2023” by striking the period and inserting the following proviso: Provided, That of the ten schools established, three of the public charter schools shall be in school districts where children are historically underperforming and the proposed charter school is designed to provide specialized curriculum mentoring programs and alternative interdisciplinary frameworks which utilize evidence-based approaches to student assessment and instruction that will enhance underperforming students’ performance and graduation success.

Following discussion,

The question being on the adoption of Senator Baldwin’s amendment to the bill, and on this question, Senator Baldwin demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Stover, Unger, and Woelfel—12.

The nays were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—22.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Baldwin’s amendment to the bill rejected.

On motion of Senator Romano, the following amendment to the bill (Eng. Com. Sub. for H. B. 2012) was next reported by the Clerk:

On page twenty, section ten, line seventy-six, after the word “funds.” by inserting the following: Additionally, the West Virginia State Board of Education retains its authority and powers pursuant to §18-2E-1, et. seq. of this code to ensure students are receiving a thorough and efficient education.

Following discussion,

Senator Romano requested unanimous consent that the bill be advanced to third reading with Senator Romano’s amendment pending and the right reserved to consider other amendments on that reading.

Which consent was not granted, Senator Rucker objecting.

Senator Romano then moved that the bill be advanced to third reading with Senator Romano’s amendment pending and the right reserved to consider other amendments on that reading.

The question being on the adoption of Senator Romano’s aforestated motion.

At the request of Senator Romano, and by unanimous consent, his aforestated motion was withdrawn.

At the further request of Senator Romano, unanimous consent being granted, Senator Romano’s amendment to the bill was withdrawn.

Thereafter, at the request of Senator Plymale, and by unanimous consent, the bill (Eng. Com. Sub. for H. B. 2012) was advanced to third reading with the right for other amendments to be considered on that reading.

Eng. House Bill 2262, Relating to the controlled substance monitoring database.

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

The following amendments to the bill, from the Committee on Health and Human Resources, were reported by the Clerk, considered simultaneously, and adopted:

On page two, section five, line thirty-one, by striking out "30A-9-5(b)" and inserting in lieu thereof "§60A-9-5(b)";

On page two, section five, line thirty-two, by striking out "30A-9-5(b)" and inserting in lieu thereof "§60A-9-5(b)";

And,

On page seven, section five-a, line one, by striking out "§60A-2-101" and inserting in lieu thereof "§60A-2-201".

The bill (Eng. H. B. 2262), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 5, Relating to claims arising out of WV Consumer Credit and Protection Act.

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

Com. Sub. for Senate Bill 160, Authorizing Department of Revenue to promulgate legislative rules.

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

Senate Bill 248, Requiring DHHR collaborate with Workforce Development Board and WV Division of Personnel for purposes of job placement.

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

Senate Bill 311, Relating to acquisition and disposition of property by urban development authority.

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

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

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

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

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

Com. Sub. for Senate Bill 392, Creating penalty for impersonating law-enforcement officer or official.

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

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

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

On motion of Senator Weld, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, 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.

The bill was read a second time and ordered to engrossment and third reading.

Engrossed Senate Bill 459 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 459 pass?"

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 459) 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. S. B. 459) takes effect from passage.

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

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

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Maynard, Phillips, and Plymale.

At the request of Senator Phillips, and by unanimous consent, the Senate stood in observance of a moment of silence in recognition of the anniversary of the Buffalo Creek Disaster.

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 25, 2021:

Senate Bill 334: Senator Nelson;

Senate Bill 356: Senator Roberts;

Senate Bill 359: Senator Roberts;

Senate Bill 421: Senator Roberts;

Senate Bill 429: Senator Stollings;

Senate Bill 445: Senators Stollings, Woelfel, and Baldwin;

Senate Bill 446: Senators Stollings, Lindsay, Woelfel, and Baldwin;

Senate Bill 447: Senators Plymale, Karnes, and Nelson;

Senate Bill 448: Senator Romano;

Senate Bill 450: Senator Stollings;

Senate Bill 451: Senator Karnes;

Senate Bill 455: Senators Roberts and Karnes;

Senate Bill 458: Senators Smith and Karnes;

Senate Joint Resolution 2: Senator Stollings;

Senate Joint Resolution 10: Senators Martin and Phillips;

And,

Senate Concurrent Resolution 3: Senator Karnes.

Pending announcement of meetings of standing committees of the Senate, including a majority party caucus,

On motion of Senator Takubo, at 12:42 p.m., the Senate adjourned until Monday, March 1, 2021, at 11 a.m.

SENATE CALENDAR

**Monday, March 01, 2021
11:00 AM**

THIRD READING

- Eng. S. B. 16 - Providing continued eligibility for developmental disability services to dependents of military members
- Eng. Com. Sub. for S. B. 53 - Providing person criminally responsible for another's death may not be involved in burial arrangements
- Eng. S. B. 308 - Modifying requirement that racetrack participate in WV Thoroughbred Development Fund by certain date
- Eng. Com. Sub. for S. B. 321 - Clarifying and updating language regarding Fairmont State alumni license plates
- Eng. S. B. 338 - Creating Fire Service Equipment and Training Fund
- Eng. S. B. 358 - Removing prohibition on ATMs located in area where racetrack video lottery machines are located (original similar to HB2628)
- Eng. S. B. 374 - Increasing threshold for bid requirement to \$10,000 to be consistent with other state agencies
- Eng. Com. Sub. for S. B. 377 - Relating to extension for boil water advisories by water utility or public service district
- Eng. Com. Sub. for H. B. 2012 - Relating to public charter schools - (Com. title amend. pending)
- (With right to amend)
- Eng. H. B. 2262 - Relating to the controlled substance monitoring database

SECOND READING

- Com. Sub. for S. B. 5 - Relating to claims arising out of WV Consumer Credit and Protection Act
- Com. Sub. for S. B. 160 - Authorizing Department of Revenue to promulgate legislative rules (original similar to HB2405)
- S. B. 248 - Requiring DHHR collaborate with Workforce Development Board and WV Division of Personnel for purposes of job placement
- S. B. 311 - Relating to acquisition and disposition of property by urban development authority
- S. B. 359 - Informing landowners when fencing that may contain livestock is damaged due to accident
- Com. Sub. for S. B. 368 - Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program

Com. Sub. for S. B. 389 - Relating to State Resiliency Office responsibility to plan for emergency and disaster response, recovery, and resiliency (original similar to HB2683)

Com. Sub. for S. B. 392 - Creating penalty for impersonating law-enforcement officer or official

S. J. R. 4 - Incorporation of Churches or Religious Denominations Amendment

FIRST READING

Com. Sub. for S. B. 102 - Allowing disabled purple heart recipients park free at municipal metered parking spaces

Com. Sub. for S. B. 356 - Allowing for written part of drivers' exam given in high school drivers' education course

Com. Sub. for S. B. 387 - Relating to drug screening of applicants for cash assistance

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2021

Monday, March 1, 2021

1 p.m.	Natural Resources	(Room 208W)
2 p.m.	Banking & Insurance	(Room 451M)