

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Tuesday, March 2, 2021

The Senate met at 11:01 a.m.

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

Prayer was offered by Tom Saunders, Senate Assistant Doorkeeper, Dunbar, West Virginia.

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

Pending the reading of the Journal of Monday, March 1, 2021,

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

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

The Clerk presented the following communication from a state agency as required by the provisions of law:

Environmental Protection, Department of (Effectiveness of Rehabilitation Environmental Action Plan) (§22-15A-5)

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 2267—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-2-15, relating to authorizing recruitment and training programs for prospective bus operators; providing required approval, limitations and elements of locally funded recruitment and training programs; establishing no entitlement to employment upon completion of the program; and not permitting seniority to accrue for time spent during completion of the program.

Referred to the Committee on Education.

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 2616—A Bill to amend and reenact §16-5N-2 and §16-5N-3 of the Code of West Virginia, 1931, as amended, all relating to residential care communities; updating definitions; requiring a report to be published on a website; requiring specific information to be reported; and making technical changes.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

Senator Hamilton, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

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

And,

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

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

Respectfully submitted,

Bill Hamilton,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 434, Requiring training for law-enforcement officers specific to interviewing victims of sexual assault.

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

Com. Sub. for Senate Bill 434 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §30-29-3 of the Code of West Virginia, 1931, as amended, relating to law-enforcement training for investigating sexual assault cases involving adult victims; requiring the Law-Enforcement Professional Standards Subcommittee of the Governor's Committee on Crime, Delinquency, and Correction to develop standards and procedures for law-enforcement officers responsible for investigating sexual assault cases involving adult victims; and setting forth required components of training.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

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

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

Respectfully submitted,

Michael T. Azinger,
Chair.

Senator Hamilton, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 502, Providing lifetime hunting, fishing, and trapping license to residents and adopted children under 15.

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,

Bill Hamilton,
Chair.

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

The Senate proceeded to the sixth order of business.

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

By Senator Nelson:

Senate Bill 515—A Bill to amend and reenact §11-21-8 of the Code of West Virginia, 1931, as amended, relating to providing new graduates of an in-state or out-of-state higher educational institution, community or technical college, or trade school, up to a \$50,000 tax modification to the income tax of the graduate for up to four taxable years; providing rule-making authority to the Tax Commissioner; and removing expired language.

Referred to the Committee on Finance.

By Senator Maroney:

Senate Bill 516—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-30, relating to PEIA hospital inpatient rates; requiring the plan to reimburse any hospital that provides inpatient care to a beneficiary covered by the plan no less than 90 percent of the Inpatient Prospective Payment System Diagnostic Related Group assigned amount then in effect for the federal fee for service component of the Medicare program by July 1, 2023; and requiring the plant to reimburse the Inpatient Prospective Payment System Diagnostic Related Group assigned amount then in effect for the federal fee for service component of the Medicare program by July 1, 2024.

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

By Senator Sypolt:

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

Referred to the Committee on Government Organization.

By Senator Rucker:

Senate Bill 518—A Bill to amend and reenact §31B-8-809 of the Code of West Virginia, 1931, as amended; to amend and reenact §31E-13-1320 of said code; to amend and reenact §31D-14-1420 of said code; and to amend and reenact §47-9-10a of said code, all relating to grounds for administrative dissolution of a limited liability company, corporation, nonprofit corporation, and limited partnership; providing an application process for reinstatement; and providing for an appeal process for the above-named entities.

Referred to the Committee on the Judiciary.

By Senator Swope:

Senate Bill 519—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, and §21-5I-4, all relating to prohibiting political subdivisions from enacting any ordinance, regulation, local policy, local resolution, or other legal requirements regulating certain areas of the employer-employee relationship and the sale or marketing of consumer merchandise; establishing a short title; establishing areas where political subdivisions are prohibited from enacting or promulgating ordinances, local policies, or local regulations; and providing for exceptions and applicability.

Referred to the Committee on the Judiciary.

By Senator Hamilton:

Senate Bill 520—A Bill to amend and reenact §20-2B-7 of the Code of West Virginia, 1931, as amended, relating to allowing foster parents to purchase lifetime hunting, trapping, and fishing licenses for their foster children.

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

By Senator Rucker:

Senate Bill 521—A Bill to amend and reenact §30-18-9 and §30-18-10 of the Code of West Virginia, 1931, as amended, all relating to extending the licensure renewal term of a private investigator, security guard, and private investigator, or security guard firms from one to two years.

Referred to the Committee on Government Organization.

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

Senate Bill 522—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Commerce, Division of Labor - Elevator Safety Fund, fund 3188, fiscal year 2021, organization 0308; the Department of Commerce, Division of Labor - Bedding and Upholstery Fund, fund 3198, fiscal year 2021, organization 0308; and that Chapter 11, Acts of the Legislature, Regular Session, 2020, known as the budget bill, be supplemented and amended by adding to Title II a new item of appropriation to the Department of Commerce, Division of Natural Resources – West Virginia Parks and Recreation Endowment Fund, fund 3211, fiscal year 2021, organization 0310, by supplementing, amending and adding appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Maynard:

Senate Bill 523—A Bill to amend and reenact §24-2H-3, §24-2H-5, and §24-2H-8 of the Code of West Virginia, 1931, as amended, all relating to correcting certain code references.

Referred to the Committee on Government Organization.

By Senator Maynard:

Senate Bill 524—A Bill to amend and reenact §24-6-6b of the Code of West Virginia, 1931, as amended, relating to correcting an error in the 911 fee; providing clarification on the calculation of three percent fee retained by commercial mobile radio service providers; providing that payments to counties are based on net 911 fee revenues received by the commission; and requiring the public safety fee to be shown as two separate line items on a subscriber's bill.

Referred to the Committee on Finance.

By Senator Nelson:

Senate Bill 525—A Bill to amend and reenact §19-23-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §29-22A-12 of said code; and to amend and reenact §29-22C-3 and §29-22C-8 of said code, all relating to allowing for the establishment of a secondary location for pari-mutual wagering on simulcast races, racetrack video lottery terminals, and racetrack table games of licensed racetracks at an alternative location within the current county of the licensed racetrack.

Referred to the Committee on Finance.

By Senator Swope:

Senate Bill 526—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, §21-5I-4, §21-5I-5, and §21-5I-6,

all relating to the Uniform Worker Classification Act; and clarifying definition of independent contractor.

Referred to the Committee on the Judiciary.

By Senator Swope:

Senate Bill 527—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, and §21-5I-4, all relating to prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements; providing a short title; defining terms; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates information requested, required, or excluded on an application for employment; providing an exception; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay a wage higher than any applicable state or federal law; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay wages or fringe benefits based on a rate prevailing in the locality; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates work stoppage, strike activity, or means by which employees organize; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to provide paid or unpaid leave time; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer or its employees to participate in an apprenticeship or apprenticeship training program not required by federal or state law; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates an employee's hours and scheduling; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards or requirements regarding the sale or marketing of consumer merchandise that are different from or in addition to state law; providing an exception; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards of care or conduct of certain professions; clarifying effect on prior written agreements; providing that any prohibited ordinance, regulation, local policy, local resolution, or other legal requirement in effect prior to the effective date is void; providing that the prohibitions do not apply to employees of a political subdivision; and clarifying the effect on the West Virginia Alcohol and Drug-Free Workplace Act.

Referred to the Committee on the Judiciary.

By Senator Swope:

Senate Bill 528—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, relating generally to the Local Control and Accountability Act; providing counties with authority to impose a one percent county sales tax under certain circumstances; clarifying that a county sales tax does not apply in municipalities already imposing a municipal sales tax; clarifying applicability of county sales tax when a portion of the county is annexed by a municipality with an existing municipal sales tax; and requiring counties imposing a county sales tax to use the services of the Tax Commissioner to administer the tax.

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

By Senator Maynard:

Senate Bill 529—A Bill to amend and reenact §17A-6-6 of the Code of West Virginia, 1931, as amended, relating to refusal or issuance of a license certificate; and correcting an erroneous code citation.

Referred to the Committee on Transportation and Infrastructure.

By Senator Tarr:

Senate Bill 530—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-12-5b, relating to specifying additional grounds for revocation, cancellation, or suspension of business registration certificates; authorizing revocation, cancellation, or suspension where the registrant has filed a false or fraudulent application for a business registration certificate, failed to pay taxes, additions to taxes, penalties, or interest, or where the Secretary of State has revoked the registrant's authority to conduct business; directing means of notice and opportunity for cure; providing procedures therefor; and specifying effective date.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 531—A Bill to amend and reenact §11-10-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-10-14e, all relating to incomplete, duplicative, or redundant claims for refund; providing that interest does not run a claim for refund until a lawful, mathematically, uncontested correct claim for refund has been filed; providing for definitions; providing that incomplete, overlapping, duplicative, and conflicting claims for refund or credit will be rejected and requiring taxpayers to file one comprehensive claim for refund or credit; providing that the Tax Commissioner may require additional documentation to substantiate claims for refund or credit; providing time for the Tax Commissioner to review the documentation before any appeal; and clarifying existing language.

Referred to the Committee on Finance.

By Senator Tarr:

Senate Bill 532—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-10-5ee, relating to limitations on claiming state tax credits and rebates; and providing rule-making authority.

Referred to the Committee on Finance.

By Senator Tarr:

Senate Bill 533—A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended, relating to allowable limits of business and occupation taxes imposed on sale of automobiles.

Referred to the Committee on Finance.

By Senator Tarr:

Senate Bill 534—A Bill to amend and reenact §31-15-6 of the Code of West Virginia, 1931, as amended, relating to authorizing and permitting the Economic Development Authority to make

working capital loans from a revolving loan fund capitalized with federal grant funds including those federal grant funds received from the United States Economic Development Administration.

Referred to the Committee on Finance.

By Senator Weld:

Senate Bill 535—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to whom Workers' Compensation Fund is disbursed; removing the expiration of rebuttable presumptions for certain injuries and diseases for professional firefighters; and removing expiration of rebuttable presumption regarding leukemia, lymphoma, or multiple myeloma arising out of, and in the course of, employment as a firefighter.

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

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

Senate Bill 536—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to WorkForce West Virginia – Workforce Investment Act, fund 8749, fiscal year 2021, organization 0323, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

By Senator Weld:

Senate Joint Resolution 11—Proposing an amendment to the Constitution of the State of West Virginia, amending section four, article VII thereof, relating to preventing any individual from serving in the office of Secretary of State, Auditor, Treasurer, Commissioner of Agriculture, or Attorney General for more than three consecutive terms; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senators Tarr and Grady offered the following resolution:

Senate Concurrent Resolution 11—Requesting the Division of Highways name a bridge carrying the newly erected US Route 35, located near Point Pleasant in Mason County, West Virginia, the "Darrell Chester Stone, Jr., Memorial Bridge".

Whereas, Darrell Chester Stone, Jr., known in his community as "Chester", was born on July 10, 1946, in Parkersburg, West Virginia. He resided most of his life in Mason County, West Virginia; and

Whereas, Upon graduation from Point Pleasant High School, Darrell Chester Stone, Jr., was drafted to serve the US Army on April 18, 1966, at age 20. He served until December 15, 1967; and

Whereas, Darrell Chester Stone, Jr., served during the Vietnam War until he was discharged due to serious injuries, including the loss of his left leg; and

Whereas, Darrell Chester Stone, Jr., lost his leg following injuries sustained on January 26, 1967, when his armored personnel carrier hit a landmine near the Dau Tien Vietnam base camp; and

Whereas, Darrell Chester Stone, Jr., was treated at the 45th Surgical Hospital and 36th Evacuation Hospital before he was evacuated and transferred to Walter Reed General Hospital on February 11, 1967, where he received additional treatment for approximately one year; and

Whereas, Darrell Chester Stone, Jr., was awarded the Purple Heart, the National Defense Service Medal, Vietnam Service Medal, and the Republic Vietnam Campaign Medal with Device for his service and bravery; and

Whereas, Upon return to Mason County, West Virginia, following his service, Darrell Chester Stone, Jr., went on to work as a heavy machine operator, truck driver, farmer, and ultimately retired from Appalachian Electric Power's John Amos power plant in Winfield, West Virginia; and

Whereas, Darrell Chester Stone, Jr., was also a valued member of the Mason County community, where he served as an active member of the VFW Post #9926 (Mason, WV) and American Legion Post #23 (Point Pleasant, WV); and

Whereas, Sadly, Darrell Chester Stone, Jr., passed away November 17, 2019, at the age of 73, after battling a long illness; and

Whereas, Darrell Chester Stone, Jr., is survived by his wife, Stella Stone, and two children, CJ Stone and Tracy Stone Ritchie, all residents of West Virginia; and

Whereas, Following his passing, Darrell Chester Stone, Jr., has left a great legacy for his family and community. All who knew him celebrated his work ethic, love of family, and paternal leadership; and

Whereas, It is fitting that an enduring memorial be established to commemorate Darrell Chester Stone, Jr., and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name a bridge carrying the newly erected US Route 35, located near Point Pleasant in Mason County, West Virginia, as the "Darrell Chester Stone, Jr., Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Darrell Chester Stone, Jr., Memorial Bridge"; and, be it

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

Which, under the rules, lies over one day.

Senator Rucker offered the following resolution:

Senate Resolution 10—Recognizing the Children's Home Society for their dedication and commitment to promoting the well-being of all West Virginia children.

Whereas, The Children's Home Society will be celebrating 125 years of service in our great state; and

Whereas, The Children's Home Society of West Virginia is a private, non-profit child welfare organization founded in 1896. They are licensed to provide child welfare and behavioral health services in West Virginia. Comprehensive child welfare, behavioral health, social casework, and support services are provided to over 10,000 children each year from 13 primary locations throughout the state; and

Whereas, In 2020, the Children's Home Society provided service to over 15,860 children and their families in programs such as foster care, adoption, emergency child shelters, and several other community-based programs; and

Whereas, The Children's Home Society maintains a history of advocating for child welfare issues and a duty to educate for the best interest of our state's children; and

Whereas, The Children's Home Society strives to grow and assess needs in these changing times to keep children safe at home or assist in finding them a safe place to be, so they do not end up homeless or alone; and

Whereas, The Children's Home Society relies on state and federal funding for quality services as well as support from the communities served to maintain a completely based West Virginia agency with no outside interest; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the Children's Home Society for their dedication and commitment to promoting the well-being of all West Virginia children; and, be it

Further Resolved, That the Senate extends its most sincere gratitude and appreciation to the Children's Home Society for the work they do to ensure all children have a safe place to rest at night; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Children's Home Society.

Which, under the rules, lies over one day.

Petitions

Senator Caputo presented a petition from Samantha Young and 60 West Virginia educators, opposing various bills pertaining to public education.

Referred to the Committee on Education.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 537 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-2-14a of the Code of West Virginia, 1931, as amended, relating to the offense of kidnapping generally; and clarifying elements of the offense.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 10, Calling Article V convention proposing term limits.

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

The Senate proceeded to the eighth order of business.

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

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 5 pass?”

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

The nays were: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Romano, Stollings, and Unger—9.

Absent: Boley and Stover—2.

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. 5) passed with its title.

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

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

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 160 pass?”

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

The nays were: None.

Absent: Boley and Stover—2.

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. 160) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Boley and Stover—2.

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 S. B. 160) takes effect from passage.

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

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

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, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Stover—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 248) passed with its title.

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

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

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, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Stover—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 311) passed with its title.

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

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

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, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Stover—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 359) passed with its title.

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

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

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

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, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips,

Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Stover—2.

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. 389) passed with its title.

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

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

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, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Stover—2.

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. 392) passed with its title.

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

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

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

Pending extended discussion,

The question being “Shall Engrossed Senate Joint Resolution 4 be adopted?”

Senators Baldwin, Unger, and Roberts respectively requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate as they are pastors.

The Chair replied that any impact on Senators Baldwin, Unger, and Roberts would be as members of a class of persons and that they would be required to vote.

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

Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Stover—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the resolution (Eng. S. J. R. 4) adopted, as follows:

Eng. Senate Joint Resolution 4—Proposing an amendment to the Constitution of the State of West Virginia, amending section 47, article VI thereof, relating to authorizing the incorporation of religious denominations; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2022, which proposed amendment is that section 47, article VI thereof, be amended to read as follows:

Article VI. The Legislature.

§47. Incorporation of religious denominations ~~prohibited~~ permitted.

~~No charter of incorporation shall be granted to any church or religious denomination.~~ Provisions may be made by general laws for securing the title to church property, and for the sale and transfer thereof, so that it shall be held, used, or transferred for the purposes of such church or religious denomination. Provisions may also be made by general laws for the incorporation of churches or religious denominations.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered “Amendment No. 1” and designated as the “Incorporation of Churches or Religious Denominations Amendment” and the purpose of the proposed amendment is summarized as follows: “To authorize the incorporation of churches or religious denominations.”

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 102, Allowing disabled veterans and purple heart recipients park free at paid parking of state or its political subdivisions.

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

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

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

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

On page one, section six, line sixteen, by striking out the word "marijuana,".

Following discussion,

The question being on the adoption of the amendment offered by Senator Stollings to the bill, and on this question, Senator Stollings demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Caputo, Hamilton, Ihlenfeld, Jeffries, Lindsay, Nelson, Romano, Stollings, and Woelfel—11.

The nays were: Azinger, Clements, Grady, Karnes, Maroney, Martin, Maynard, Phillips, Plymale, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—21.

Absent: Boley and Stover—2.

So, a majority of those present and voting not having voted in the affirmative, the President declared the amendment offered by Senator Stollings to the bill rejected.

The bill (Com. Sub. for S. B. 387) was then ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 263, Permitting online raffles to benefit charitable and public service organizations.

Com. Sub. for Senate Bill 332, Providing procedure for WV to select delegates to Article V Convention.

And,

Com. Sub. for Senate Bill 345, Expanding alcohol test and lock program to include offenders with drug-related offense.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Takubo, leaves of absence for the day were granted Senators Boley and Stover.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on March 1, 2021:

Senate Bill 334: Senator Nelson.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution on March 1, 2021:

Senate Bill 310: Senator Plymale;

Senate Bill 381: Senator Jeffries;

Senate Bill 429: Senator Maroney;

Senate Bill 447: Senator Maroney;

Senate Bill 448: Senator Jeffries;

Senate Bill 477: Senators Baldwin, Lindsay, Caputo, and Woelfel;

Senate Bill 479: Senators Lindsay and Stollings;

Senate Bill 480: Senators Baldwin, Lindsay, and Caputo;

Senate Bill 481: Senators Lindsay and Caputo;

Senate Bill 484: Senators Ihlenfeld, Lindsay, and Woelfel;

Senate Bill 485: Senator Woelfel;

Senate Bill 486: Senators Roberts, Smith, and Plymale;

Senate Bill 487: Senator Plymale;

Senate Bill 489: Senators Lindsay and Smith;

Senate Bill 491: Senator Lindsay;

Senate Bill 492: Senator Phillips;

Senate Bill 495: Senators Ihlenfeld, Lindsay, and Plymale;

Senate Bill 497: Senator Ihlenfeld;

Senate Bill 498: Senators Ihlenfeld and Woelfel;

Senate Bill 500: Senators Lindsay and Clements;

Senate Bill 501: Senators Lindsay and Jeffries;

Senate Bill 502: Senators Ihlenfeld, Lindsay, and Smith;

Senate Bill 504: Senator Smith;

Senate Bill 506: Senator Smith;

Senate Bill 510: Senator Stollings;

Senate Bill 514: Senators Hamilton and Woelfel;

And,

Senate Concurrent Resolution 10: Senators Plymale, Clements, and Grady.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:20 p.m., the Senate adjourned until tomorrow, Wednesday, March 3, 2021, at 11 a.m.

SENATE CALENDAR

**Wednesday, March 03, 2021
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 11 - Darrell Chester Stone, Jr., Memorial Bridge
- S. R. 10 - Recognizing WV Children's Home Society

THIRD READING

- Eng. Com. Sub. for S. B. 102 - Allowing disabled veterans and purple heart recipients park free at paid parking of state or its political subdivisions
- Eng. Com. Sub. for S. B. 356 - Allowing for written part of drivers' exam given in high school drivers' education course
- Eng. Com. Sub. for S. B. 368 - Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program
- Eng. Com. Sub. for S. B. 387 - Relating to drug screening of applicants for cash assistance

SECOND READING

- Com. Sub. for S. B. 263 - Permitting online raffles to benefit charitable and public service organizations
- Com. Sub. for S. B. 332 - Providing procedure for WV to select delegates to Article V Convention
- Com. Sub. for S. B. 345 - Expanding alcohol test and lock program to include offenders with drug-related offense (original similar to HB2741)

FIRST READING

- S. B. 381 - Creating nonresident three-day fishing license
- Com. Sub. for S. B. 434 - Requiring training for law-enforcement officers responsible for investigating crimes of sexual assault
- S. B. 463 - Consolidating position of Inspector General of former Workers' Compensation Fraud and Abuse Unit and position of Director of Insurance Fraud Unit
- S. B. 501 - Continuing and indexing of license and stamp fees
- S. B. 537 - Relating generally to kidnapping

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2021

Wednesday, March 3, 2021

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