

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2021
SIXTH DAY

Charleston, West Virginia, Monday, February 15, 2021

The Senate met at 11 a.m.

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

Prayer was offered by the Honorable Michael T. Azinger, a senator from the third district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Stephen Baldwin, a senator from the tenth district.

Pending the reading of the Journal of Saturday, February 13, 2021,

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

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

Special Investigations, Commission on (§4-5-2)

The Senate proceeded to the fourth order of business.

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

Your Committee on Education has had under consideration

Senate Bill 14, Providing for additional options for alternative certification.

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

Com. Sub. for Senate Bill 14 (originating in the Committee on Education)—A Bill to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to creating a third set of conditions for which a person may be issued a professional teaching certificate for teaching in the public schools; and providing that teaching

certificates granted pursuant to the new set of conditions are equivalent to certificates granted to graduates of teacher preparation programs at public higher education institutions

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,
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 Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 295—A Bill to amend and reenact §12-6C-11 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §12-6C-11a; to amend and reenact §31-15-8 of said code; and to amend said code by adding thereto a new section, designated §31-15-8a, all relating generally to economic development loans and loan insurance issued by the state; clarifying provision stating that the Board of Treasury Investments has no fiduciary duty with regard to economic development loans administered by the Economic Development Authority; providing that the Board of Treasury Investments may inspect and copy, upon written notice, all records related to loans made available by the board to the Economic Development Authority and providing that such records shall not be considered public records and shall be exempt from disclosure pursuant to the provisions of chapter 29B of the code; defining terms; limiting the total amount of loan moneys that the board shall make available to the authority for the Broadband Loan Insurance Program to \$80 million; establishing requirements that must be met before broadband loan insurance moneys will be made available to the authority; providing that the board shall maintain broadband loan insurance loan moneys in a separate account in the Consolidated Fund; providing that broadband loan insurance moneys may only be drawn upon in the event of a broadband provider default on an insured debt or security instrument; limiting the amount of loan insurance that the authority may award in a single year to a single broadband provider to \$20 million; clarifying that the authority may not deduct administrative or operational costs from broadband loan insurance loan moneys; setting forth requirements that must be met before the authority may draw on broadband loan insurance moneys in the event of a broadband provider's default; requiring the authority to submit quarterly reports to the Joint Committee on Government and Finance and to the Governor containing certain information related to its loan insurance program; requiring the authority to make application forms for broadband loan insurance publicly available on its website; establishing the minimum information an applicant for broadband loan insurance shall be required to submit to the authority; establishing minimum criteria that the authority must consider in its broadband loan insurance application review process; establishing that the authority may provide loan insurance for eligible broadband providers pursuant to awards made by federally funded broadband expansion programs; providing that the authority may not issue loan insurance to a broadband provider that has previously defaulted on any debt or security instrument insured by the authority; requiring the authority to post certain information regarding loan insurance agreements on its website; requiring the authority to adhere to certain accounting and record-keeping practices; requiring the authority to submit quarterly reports to the Board of Treasury Investments, the Joint Committee on Government and Finance, and the Governor containing certain information on insured loans and broadband projects financed by insured loans; requiring a biennial legislative audit of the

Broadband Loan Insurance Program; removing obsolete language; and making technical corrections.

Referred to the Committee on Government Organization.

By Senator Sypolt:

Senate Bill 296—A Bill to amend and reenact §64-12-1, §64-12-2, §64-12-3, and §64-12-4 of the Code of West Virginia, 1931, as amended, relating generally to repealing certain legislative, procedural, and interpretative rules promulgated by certain agencies, boards, and commissions which are no longer authorized or are obsolete; authorizing certain agencies under the Department of Administration, Department of Health and Human Resources, Department of Revenue, and Department of Commerce to repeal certain legislative, procedural, and interpretative rules; repealing the Board of Risk and Insurance Management legislative rule relating to discontinuation of professional malpractice insurance; repealing the Department of Health and Human Resources legislative rule relating to DUI safety and treatment; repealing the Department of Health and Human Resources legislative rule relating to incorporation of the social services manual; repealing the Department of Health and Human Resources legislative rule relating to operating rules and regulations for the West Virginia Commission on Children and Youth; repealing the Department of Health and Human Resources legislative rule relating to state child fatality review team and county multidisciplinary review teams; repealing the Insurance Commissioner legislative rule relating to emergency medical services; repealing the Insurance Commissioner legislative rule relating to diabetes regulations; repealing the Racing Commission procedural rule relating to dispute resolution procedures; repealing the State Tax Department interpretative rule relating to tax shelter voluntary compliance program; repealing the State Tax Department interpretative rule relating to preference for determining successful bids; repealing the State Tax Department procedural rule relating to tobacco products excise tax on floorstocks; repealing the State Tax Department legislative rule relating to West Virginia Film Industry Investment Act; repealing the State Tax Department legislative rule relating to residential solar energy tax credit; repealing the State Tax Department legislative rule relating to Business Franchise Tax; repealing the Division of Labor legislative rule relating to hazardous chemical substances; and repealing the Division of Labor legislative rule relating to Commercial Bungee Jumping Safety Act.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 297—A Bill to amend and reenact §12-6C-4 and §12-6C-9 of the Code of West Virginia, 1931, as amended, all relating generally to the Board of Treasury Investments; authorizing the board to provide compensation to appointed directors for each meeting attended and establishing the rate thereof; authorizing the board to invest in commercial paper with a certain nationally recognized rating and weighted maturity; authorizing the board to invest in state and local government securities with certain nationally recognized ratings; removing the limitation on the percentage of the Consolidated Fund that the board may invest in certain corporate securities; and eliminating the requirement that the board invest a certain percentage of the Consolidated Fund in obligations guaranteed by the United States.

Referred to the Committee on Finance.

Senator Rucker offered the following resolution:

Senate Concurrent Resolution 4—Recognizing June 19 as Juneteenth Day.

Whereas, Juneteenth, also known as Juneteenth Independence Day, Emancipation Day, Emancipation Celebration, and Freedom Day, is the oldest African-American holiday observance in the United States; and

Whereas, Juneteenth commemorates the strong survival instinct of African Americans who were first brought to this country stacked in the bottom of slave ships in a month-long journey across the Atlantic ocean known as the Middle Passage; and

Whereas, In September 1862, President Lincoln issued the celebrated Emancipation Proclamation, warning the rebellious Confederate states that he would declare their slaves “forever free” if those states did not return to the Union by January 1, 1863; and

Whereas, Enforcement of the Emancipation Proclamation occurred only in Confederate states that were under Union Army control; and

Whereas, On January 31, 1865, Congress passed the Thirteenth Amendment to the United States Constitution, abolishing slavery throughout the United States and its territories; and

Whereas, Spontaneous celebration erupted throughout the country when African Americans learned of their freedom; and

Whereas, Juneteenth, or June 19, 1865, is considered the date when the last slaves in America were freed when General Gordon Granger rode into Galveston, Texas, and issued General Order No. 3, almost two and one-half years after President Lincoln issued the Emancipation Proclamation; and

Whereas, For former slaves, the Juneteenth celebration was a time for reassuring each other, praying, and gathering remaining family members together. Juneteenth continued to be highly revered in Texas decades later, with many former slaves and descendants making an annual pilgrimage back to Galveston on this date; and

Whereas, Today, Juneteenth commemorates African-American freedom and emphasizes education and achievement. It is a day, a week, and in some areas, a month marked with celebrations, guest speakers, picnics, and family gatherings. It is a time for reflection and rejoicing. It is a time for assessment, self-improvement, and planning for the future; and

Whereas, Juneteenth symbolizes freedom, celebrates the abolishment of slavery, and reminds all Americans of the significant contributions of African Americans to our society; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby recognizes June 19 as Juneteenth Day; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Honorable Jill Upson, Executive Director, Herbert Henderson Office of Minority Affairs.

Which, under the rules, lies over one day.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 9, Continuing Licensed Racetrack Modernization Fund.

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

Senate Bill 10, Modifying racetrack licensing due 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 34, Creating exemption to state sales and use tax for rental and leasing of equipment.

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

Senate Bill 78, Relating to rehabilitative spousal support.

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 81, Relating generally to WV Uniform Trust Code.

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 126, Authorizing Department of Administration to promulgate legislative rules.

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

Senate Bill 140, Division of Rehabilitation Services rule relating to Ron Yost Personal Assistance Services Act Board.

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 156, Authorizing Department of Homeland Security to promulgate legislative rules.

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 15, Relating generally to in-field master's degree.

And,

Com. Sub. for Senate Bill 216, Authorizing Department of Commerce to promulgate legislative rules.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Baldwin.

At the request of Senator Baldwin, and by unanimous consent, the Senate stood in observance of a moment of silence in recognition of the passing of Marvin Mann, father of the Honorable Kenny Mann, a former senator from the tenth district.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on February 13, 2021:

Senate Bill 3: Senator Grady.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills on February 13, 2021:

Senate Bill 3: Senator Maynard;

Senate Bill 6: Senator Maynard;

Senate Bill 278: Senators Phillips and Martin;

Senate Bill 279: Senators Rucker, Phillips, and Smith;

Senate Bill 280: Senators Plymale and Nelson;

Senate Bill 281: Senators Rucker and Smith;

Senate Bill 283: Senator Smith;

Senate Bill 286: Senators Plymale and Phillips;

Senate Bill 287: Senators Lindsay, Woelfel, and Caputo;

Senate Bill 288: Senators Lindsay and Caputo;

Senate Bill 289: Senators Lindsay and Caputo;

Senate Bill 291: Senators Lindsay, Woelfel, and Caputo;

And,

Senate Bill 292: Senators Lindsay, Woelfel, and Caputo.

At the request of Senator Takubo, unanimous consent being granted, leaves of absence for the day were granted Senators Plymale and Romano.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:10 a.m., the Senate adjourned until tomorrow, Tuesday, February 16, 2021, at 11 a.m.

SENATE CALENDAR

**Tuesday, February 16, 2021
11:00 AM**

UNFINISHED BUSINESS

S. C. R. 4 - Recognizing June 19 as Juneteenth Day

THIRD READING

Eng. Com. Sub. for S. B. 9 - Continuing Licensed Racetrack Modernization Fund

Eng. S. B. 10 - Modifying racetrack licensing due date

Eng. Com. Sub. for S. B. 34 - Creating exemption to state sales and use tax for rental and leasing of equipment

Eng. S. B. 78 - Relating to rehabilitative spousal support

Eng. Com. Sub. for S. B. 81 - Relating generally to WV Uniform Trust Code

Eng. Com. Sub. for S. B. 126 - Authorizing Department of Administration to promulgate legislative rules (original similar to HB2422)

Eng. S. B. 140 - Division of Rehabilitation Services rule relating to Ron Yost Personal Assistance Services Act Board (original similar to HB2426)

Eng. Com. Sub. for S. B. 156 - Authorizing Department of Homeland Security to promulgate legislative rules (original similar to HB2442)

SECOND READING

Com. Sub. for S. B. 15 - Relating generally to in-field master's degree

Com. Sub. for S. B. 216 - Authorizing Department of Commerce to promulgate legislative rules (original similar to HB2392)

FIRST READING

Com. Sub. for S. B. 14 - Providing for additional options for alternative certification for teachers

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2021

Tuesday, February 16, 2021

10 a.m.

Transportation & Infrastructure

(Room 451M)