

# JOURNAL of THE SENATE State of West Virginia

## EIGHTY-FIFTH LEGISLATURE

First Extraordinary Session, 2022

Regular Sixty-Day Session, 2022

Second Extraordinary Session, 2022

Third Extraordinary Session, 2022

Fourth Extraordinary Session, 2022

## VOLUME I



NOTE: The first volume of this four-volume Official Senate Journal starts with proceedings proper of the First Extraordinary Session of the Eighty-Fifth Legislature, which convened on January 10, 2022, and adjourned *sine die* on January 11, 2022, and includes the Journal proceedings proper of the Second Regular Session of the Eighty-Fifth Legislature from January 12, 2022, to February 22, 2022, ending with page 1104 of the Regular Session.

The Index of the Official Journal of the Regular Session and the proceedings of the Second, Third, and Fourth Extraordinary Sessions of 2022 are shown in Volume IV.



# JOURNAL of THE SENATE State of West Virginia

**EIGHTY-FIFTH LEGISLATURE**

First Extraordinary Session, 2022

January 10-11, 2022



NOTE: The proceedings of the First Extraordinary Session of the West Virginia Legislature in the year 2022 (convened by the Governor on January 10, and adjourned *sine die* on January 11) are shown hereinafter.

Members of the Senate, officers, and standing committee membership lists precede the Official First Extraordinary Session Journal.



SENATE OF WEST VIRGINIA  
MEMBERS, OFFICERS, AND STANDING COMMITTEES

**FIRST EXTRAORDINARY SESSION, 2022**

**OFFICERS**

*President:* Craig Blair, (R), Martinsburg  
*President pro Tempore:* Donna J. Boley, (R), St. Marys  
*Clerk:* Lee Cassis, Charleston  
*Sergeant at Arms:* David Lavender, Hurricane  
*Doorkeeper:* Jeffrey L. Branham, Cross Lanes

<b>District</b>	<b>Name</b>	<b>Address</b>
First	<sup>2</sup> Owens Brown, (D)	Wheeling
	*Ryan W. Weld, (R)	Wellsburg
Second	Charles H. Clements, (R)	New Martinsville
	*Michael J. Maroney, (R)	Glen Dale
Third	Michael T. Azinger, (R)	Vienna
	*Donna J. Boley, (R)	St. Marys
Fourth	*Amy N. Grady, (R)	Leon
	Eric J. Tarr, (R)	Scott Depot
Fifth	*Robert H. Plymale, (D)	Huntington
	Michael A. Woelfel, (D)	Huntington
Sixth	Mark R. Maynard, (R)	Wayne
	*Chandler Swope, (R)	Bluefield
Seventh	*Rupie Phillips, (R)	Lorado
	Ron D. Stollings, (D)	Madison
Eighth	*Glenn D. Jeffries, (D)	Red House
	Richard D. Lindsay II, (D)	Charleston
Ninth	Rollan A. Roberts, (R)	Beaver
	*David Stover, (R)	Mullens
Tenth	Stephen Baldwin, (D)	Ronceverte
	*Jack David Woodrum, (R)	Hinton
Eleventh	Bill Hamilton, (R)	Buckhannon
	*Robert L. Karnes, (R)	Helvetia
Twelfth	*Patrick S. Martin, (R)	Jane Lew
	Michael J. Romano, (D)	Clarksburg
Thirteenth	Robert D. Beach, (D)	Morgantown
	*Mike Caputo, (D)	Rivesville
Fourteenth	*Randy E. Smith, (R)	Thomas
	Dave Sypolt, (R)	Kingwood
Fifteenth	*Craig Blair, (R)	Martinsburg
	Charles S. Trump IV, (R)	Berkeley Springs
Sixteenth	<sup>1</sup> Hannah N. Geffert, (D)	Martinsburg
	*Patricia Puertas Rucker, (R)	Harpers Ferry
Seventeenth	*Eric Nelson, Jr., (R)	Charleston
	Tom Takubo, (R)	Charleston

\*Elected in 2020 to full four-year term.

<sup>1</sup> Appointed September 29, 2021, to unexpired term of John R. Unger II, who resigned September 11, 2021.

<sup>2</sup> Appointed October 7, 2021, to unexpired term of William J. Ihlenfeld II, who resigned October 5, 2021.

Democrats	11
Republicans	<u>23</u>
Total	34

# SENATE COMMITTEES

## STANDING AND SELECT COMMITTEES OF THE SENATE

2022

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### AGRICULTURE AND RURAL DEVELOPMENT

Senators Sypolt (*Chair*), Woodrum (*Vice Chair*), Grady, Martin, Maynard, Roberts, Rucker, Smith, Baldwin, Beach, and Geffert.

### BANKING AND INSURANCE

Senators Azinger (*Chair*), Clements (*Vice Chair*), Boley, Hamilton, Karnes, Nelson, Rucker, Swope, Weld, Beach, Brown, Romano, and Woelfel.

### CONFIRMATIONS

Senators Boley (*Chair*), Takubo (*Vice Chair*), Azinger, Rucker, Tarr, Weld, Baldwin, Plymale, and Stollings.

### ECONOMIC DEVELOPMENT

Senators Swope (*Chair*), Martin (*Vice Chair*), Azinger, Hamilton, Nelson, Roberts, Stover, Tarr, Woodrum, Brown, Jeffries, Romano, Stollings, and Woelfel.

### EDUCATION

Senators Rucker (*Chair*), Roberts (*Vice Chair*), Azinger, Boley, Clements, Grady, Karnes, Tarr, Trump, Beach, Geffert, Plymale, Romano, and Stollings.

### ENERGY, INDUSTRY, AND MINING

Senators Smith (*Chair*), Phillips (*Vice Chair*), Boley, Clements, Hamilton, Martin, Nelson, Swope, Sypolt, Brown, Caputo, Jeffries, and Romano.

### ENROLLED BILLS

Senators Maynard (*Chair*), Roberts (*Vice Chair*), Tarr, Lindsay, and Woelfel.

## SENATE COMMITTEES

### FINANCE

Senators Tarr (*Chair*), Sypolt (*Vice Chair*), Boley, Clements, Hamilton, Maroney, Martin, Nelson, Roberts, Swope, Takubo, Baldwin, Brown, Geffert, Jeffries, Plymale, and Stollings.

### GOVERNMENT ORGANIZATION

Senators Maynard (*Chair*), Swope (*Vice Chair*), Maroney, Martin, Nelson, Smith, Stover, Sypolt, Woodrum, Brown, Caputo, Jeffries, Lindsay, and Woelfel.

### HEALTH AND HUMAN RESOURCES

Senators Maroney (*Chair*), Grady (*Vice Chair*), Azinger, Roberts, Rucker, Stover, Takubo, Weld, Woodrum, Geffert, Lindsay, Plymale, and Stollings.

### INTERSTATE COOPERATION

Senators Woodrum (*Chair*), Stover (*Vice Chair*), Karnes, Maynard, Trump, Brown, and Romano.

### JUDICIARY

Senators Trump (*Chair*), Weld (*Vice Chair*), Azinger, Grady, Karnes, Maynard, Phillips, Rucker, Smith, Stover, Takubo, Woodrum, Beach, Caputo, Lindsay, Romano, and Woelfel.

### MILITARY

Senators Weld (*Chair*), Phillips (*Vice Chair*), Grady, Hamilton, Maroney, Smith, Caputo, Lindsay, and Romano.

### NATURAL RESOURCES

Senators Hamilton (*Chair*), Stover (*Vice Chair*), Grady, Phillips, Roberts, Rucker, Smith, Sypolt, Woodrum, Beach, Jeffries, Stollings, and Woelfel.

### PENSIONS

Senators Nelson (*Chair*), Clements (*Vice Chair*), Azinger, Karnes, Trump, Lindsay, and Plymale.

## SENATE COMMITTEES

### **SELECT COMMITTEE ON REDISTRICTING**

Senators Trump (*Chair*), Sypolt (*Vice Chair*), Phillips, Swope, Tarr, Weld, Caputo, Jeffries, and Woelfel.

### **RULES**

Senators Blair (*Chair*), Takubo (*Vice Chair*), Azinger, Boley, Maroney, Tarr, Trump, Weld, Baldwin, Plymale, and Stollings.

### **TRANSPORTATION AND INFRASTRUCTURE**

Senators Clements (*Chair*), Swope (*Vice Chair*), Boley, Karnes, Maynard, Roberts, Beach, Jeffries, and Plymale.

### **WORKFORCE**

Senators Roberts (*Chair*), Nelson (*Vice Chair*), Maroney, Martin, Phillips, Smith, Tarr, Weld, Caputo, Geffert, and Jeffries.

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WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE  
FIRST EXTRAORDINARY SESSION, 2022

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MONDAY, JANUARY 10, 2022

Pursuant to the proclamation of His Excellency, the Governor, the Honorable Jim Justice, dated the eighth day of January, 2022, convening the eighty-fifth Legislature of West Virginia in extraordinary session today (Monday, January 10, 2022), under the provisions of section seven, article seven of the Constitution of West Virginia, the Senate assembled in its chamber in the state capitol in the City of Charleston at 11 a.m., and was called to order by its President, the Honorable Craig Blair.

Prayer was offered by the Honorable Amy N. Grady, a senator from the fourth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ryan W. Weld, a senator from the first district.

On the call of the roll, the following answered to their names:

Senators Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President).

Thirty members having answered to their names, the President declared the presence of a quorum.

The following communication was reported by the Clerk:

December 22, 2021

Craig P. Blair  
President of the West Virginia Senate  
Lieutenant Governor

Bruce Lee Cassis  
Clerk of the West Virginia Senate

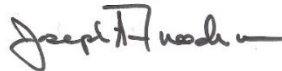
Dear Senator Blair and Mr. Cassis,

Please accept this letter as official notification of my intent to resign my position as Sergeant At Arms of the West Virginia Senate, effective immediately.

My decision is based upon personal considerations and is not intended to reflect adversely upon the West Virginia Senate.

I have enjoyed my tenure with the West Virginia Senate and the opportunity to work with such an outstanding group of people. I sincerely wish everyone at the Senate well in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph A. Freedman". The signature is written in a cursive style with a horizontal line extending to the right.

Joseph A. Freedman

The resignation of Mr. Freedman was accepted and the Office of Sergeant at Arms was declared vacant.

The Senate then proceeded to the election of a Sergeant at Arms.

For that office, Senator Boley nominated the Honorable David Lavender, of the County of Putnam; seconded by Senator Stollings.

On motions of Senator Baldwin, severally made, nominations were closed and the President was authorized to cast the unanimous vote of the Senate for the election of Mr. Lavender.

The President then announced the vote and declared that Mr. Lavender, having received all the votes cast, had been unanimously elected Sergeant at Arms of the Senate.

Whereupon, Mr. Lavender qualified as Sergeant at Arms, by taking the several oaths of office prescribed by law and administered by the Honorable Lee Cassis, Senate Clerk.

### **Executive Communications**

Senator Blair (Mr. President) laid before the Senate the following proclamation from His Excellency, the Governor, convening the Legislature in extraordinary session, which was read by the Clerk:

**STATE OF WEST VIRGINIA  
EXECUTIVE DEPARTMENT**

**Charleston**

**A PROCLAMATION**

**By the Governor**

**I, JIM JUSTICE**, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby call the West Virginia Legislature to convene in Extraordinary Session at 11:00 AM on Monday, January 10, 2022, in its chambers in the State Capitol, the City of Charleston, for the limited purpose of considering and acting upon only the following matters:

**FIRST:** Legislation relating to and implementing a bill to provide certain tax incentives, based upon certain investment and employment thresholds, to promote development and expansion of new labor and capital intensive heavy industry in this State.

**SECOND:** To make supplementary appropriation out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Executive, Governor's Office, Coronavirus State Fiscal Recovery Fund, fund 8823, fiscal year 2022, organization 0100, to allow for the reimbursement of eligible expenses for the first half of the current fiscal year by certain spending units, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

**THIRD:** To supplement and amend the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing items of appropriation to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506; to the Department of Homeland Security, Division of Corrections and Rehabilitation – West Virginia Parole Board, fund 0440, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Central Office, fund 0446, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2022, organization 0608; to the

Department of Homeland Security, Division of Corrections and Rehabilitation – Bureau of Juvenile Services, fund 0570, fiscal year 2022, organization 0608; and to the Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2022, organization 0612; all of which spending units have eligible expenses for the first half of the current fiscal year that may be paid from other sources; and by increasing as a result items of appropriation of general revenue funds to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307 for the fiscal year ending June 30, 2022.

**FOURTH:** To supplement and amend the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing items of appropriation to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506; to the Department of Homeland Security, Division of Corrections and Rehabilitation – West Virginia Parole Board, fund 0440, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Central Office, fund 0446, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Bureau of Juvenile Services, fund 0570, fiscal year 2022, organization 0608; and to the Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2022, organization 0612; all of which spending units will have eligible expenses for the second half of the current fiscal year that may be paid from other sources; and by increasing as a result items of appropriation of general revenue funds to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307 for the fiscal year ending June 30, 2022.

**FIFTH:** To expire funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022 from the balance of moneys remaining as an unappropriated balance in Federal Funds to the Executive, Governor's Office, Coronavirus State Fiscal Recovery Fund, fund 8823, organization 0100, and making a supplementary

appropriation of public moneys out of the Treasury from the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022 to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506; to the Department of Homeland Security, Division of Corrections and Rehabilitation – West Virginia Parole Board, fund 0440, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Central Office, fund 0446, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Bureau of Juvenile Services, fund 0570, fiscal year 2022, organization 0608; and to the Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2022, organization 0612; to allow for the funding of eligible expenses for the second half of the current fiscal year by certain spending units.

**SIXTH:** To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

**SEVENTH:** To authorize and appropriate public funds sufficient to pay for this Extraordinary Session.

*[Remainder of this Page Intentionally Left Blank]*

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



By the Governor

DONE at the Capitol in the City of Charleston, State of West Virginia, this Eighth day of January, in the Year of our Lord, Two Thousand Twenty-Two, and in the One Hundred Fifty-Ninth year of the State.

*James Justice*  
GOVERNOR

*Mac Warner*  
SECRETARY OF STATE

At the request of Senator Weld, and by unanimous consent, Senator Weld offered the following resolution from the floor:

**Senate Resolution 101**—Raising a committee to inform the House of Delegates the Senate has assembled in extraordinary session.

*Resolved by the Senate:*

That a committee of three be appointed by the President to inform the House of Delegates that the Senate has assembled in extraordinary session, with a quorum present, and is ready to proceed with the business for which the extraordinary session was called by His Excellency, the Governor.

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

Whereupon, the President appointed as members of such committee the following:

Senators Azinger, Martin, and Caputo.

Subsequently, Senator Azinger, from the committee to notify the House of Delegates the Senate has assembled in extraordinary session, and is ready to proceed with the business of the session, announced that the committee had discharged its duties.

A message from the House of Delegates, by

Delegates Storch, Toney, and Boggs, announced that the House of Delegates has assembled in extraordinary session, with a quorum present, and is ready to proceed with the business stated in the proclamation convening the Legislature.

At the request of Senator Weld, and by unanimous consent, Senator Weld offered the following resolution from the floor:

**Senate Resolution 102**—Raising a committee to wait upon the Governor.



*Resolved by the Senate:*

That a committee of three on the part of the Senate, to join with a similar committee on the part of the House of Delegates, be appointed by the President to notify His Excellency, the Governor, that at his call the Legislature has assembled in extraordinary session, with a quorum of each house present; and is ready to receive any communication or message he may be pleased to present under section seven, article seven of the Constitution of West Virginia, which provides that no business except that stated in his proclamation be considered.

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

Whereupon, the President appointed as members of such committee the following:

Senators Sypolt, Swope, and Jeffries.

A message from the House of Delegates, by

Delegates Westfall, Martin, and Lovejoy, announced that the Speaker had appointed them a committee of three to join with a similar committee on the part of the Senate to wait upon the Governor, under the provisions of Senate Resolution 102. Senate and House members of this select committee then proceeded to the executive offices.

Subsequently, Senator Sypolt reported that the joint Senate and House committee had performed the duty assigned to it.

The Senate proceeded to the sixth order of business.

The following bills were introduced and read by their titles:

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

**Senate Bill 1001**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-

13LL-1, §11-13LL-2, §11-13LL-3, §11-13LL-4, §11-13LL-5, §11-13LL-6, §11-13LL-7, §11-13LL-8, §11-13LL-9, §11-13LL-10, §11-13LL-11, §11-13LL-12, §11-13LL-13, and §11-13LL-14, all relating to establishment of the West Virginia Industrial Advancement Act; specifying short title; setting forth legislative findings and purpose; specifying definitions; specifying Department of Economic Development certification of qualified labor intensive heavy industrial manufacturing projects; specifying conditions for certification; specifying filing of application with Tax Commissioner; authorizing qualified labor intensive heavy industrial manufacturing project tax credit; specifying calculation and application of tax credit; specifying transfer of credit to successors in business and retention of credit pursuant to change in form of doing business; specifying recordkeeping and property identification requirements; authorizing promulgation of rules; specifying application of West Virginia Tax Procedure and Administration Act and Tax Crimes and Penalties Act; specifying effective date, retrospective to January 1, 2022; authorizing consumers sales and service tax and use tax exemption for qualified labor intensive heavy industrial manufacturing project certificate holders and construction contractors; and providing for the prohibition of certain taxes and fees.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Brown—1.

Absent: Maroney, Rucker, and Takubo—3.

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

Engrossed Senate Bill 1001 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 1001 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Brown—1.

Absent: Maroney, Rucker, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 1001) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Brown—1.

Absent: Maroney, Rucker, and Takubo—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1001) takes effect from passage.

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

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

**Senate Bill 1002**—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, 2022, to the Executive, Governor's Office, Coronavirus State Fiscal Recovery Fund, fund 8823, fiscal year 2022, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Rucker, and Takubo—3.

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

Engrossed Senate Bill 1002 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady,

Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Rucker, and Takubo—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1002) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Rucker, and Takubo—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1002) takes effect from passage.

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

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

**Senate Bill 1003**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing items of appropriation to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2022, organization 0506; to the Department of Health and Human Resources,

Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506; to the Department of Homeland Security, Division of Corrections and Rehabilitation – West Virginia Parole Board, fund 0440, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Central Office, fund 0446, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Bureau of Juvenile Services, fund 0570, fiscal year 2022, organization 0608; and to the Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2022, organization 0612, and by increasing items of appropriation to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307, for the fiscal year ending June 30, 2022.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Rucker, and Takubo—3.

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

Engrossed Senate Bill 1003 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Rucker, and Takubo—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1003) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Rucker, and Takubo—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1003) takes effect from passage.

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

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

**Senate Bill 1004**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury in the State

Fund, General Revenue, by decreasing items of appropriation to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506; to the Department of Homeland Security, Division of Corrections and Rehabilitation – West Virginia Parole Board, fund 0440, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Central Office, fund 0446, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Bureau of Juvenile Services, fund 0570, fiscal year 2022, organization 0608; and to the Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2022, organization 0612, and by increasing items of appropriation to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307, for the fiscal year ending June 30, 2022.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.



Absent: Maroney, Rucker, and Takubo—3.

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

Engrossed Senate Bill 1004 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Rucker, and Takubo—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1004) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Rucker, and Takubo—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1004) takes effect from passage.

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

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

**Senate Bill 1005**—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022, in the amount of \$157,500,000 from the balance of moneys remaining as an unappropriated balance in Federal Funds to the Executive, Governor's Office, Coronavirus State Fiscal Recovery Fund, fund 8823, organization 0100, and making a supplementary appropriation of public moneys out of the Treasury from the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022 to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506; to the Department of Homeland Security, Division of Corrections and Rehabilitation – West Virginia Parole Board, fund 0440, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Central Office, fund 0446, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Bureau of Juvenile Services, fund 0570, fiscal year 2022, organization 0608; and to the Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2022, organization 0612.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson,

Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Rucker, and Takubo—3.

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

Engrossed Senate Bill 1005 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Rucker, and Takubo—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1005) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Rucker, and Takubo—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1005) takes effect from passage.

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

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

**Senate Bill 1006**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Rucker, and Takubo—3.

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

Engrossed Senate Bill 1006 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Rucker, and Takubo—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1006) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Rucker, and Takubo—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1006) takes effect from passage.

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

The Senate proceeded to the thirteenth order of business.

At the request of Senator Weld, and by unanimous consent, a leave of absence for the day was granted Senator Maroney.

Senator Blair (Mr. President) announced changes in appointment of the standing committees of the Senate for this eighty-fifth Legislature and, at the request of Senator Weld, and by unanimous consent, the complete list was ordered printed in the Journal as follows:

## **STANDING AND SELECT COMMITTEES OF THE SENATE**

**2022**

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### **AGRICULTURE AND RURAL DEVELOPMENT**

Senators Sypolt (*Chair*), Woodrum (*Vice Chair*), Grady, Martin, Maynard, Roberts, Rucker, Smith, Baldwin, Beach, and Geffert.

### **BANKING AND INSURANCE**

Senators Azinger (*Chair*), Clements (*Vice Chair*), Boley, Hamilton, Karnes, Nelson, Rucker, Swope, Weld, Beach, Brown, Romano, and Woelfel.

### **CONFIRMATIONS**

Senators Boley (*Chair*), Takubo (*Vice Chair*), Azinger, Rucker, Tarr, Weld, Baldwin, Plymale, and Stollings.

### **ECONOMIC DEVELOPMENT**

Senators Swope (*Chair*), Martin (*Vice Chair*), Azinger, Hamilton, Nelson, Roberts, Stover, Tarr, Woodrum, Brown, Jeffries, Romano, Stollings, and Woelfel.

### **EDUCATION**

Senators Rucker (*Chair*), Roberts (*Vice Chair*), Azinger, Boley, Clements, Grady, Karnes, Tarr, Trump, Beach, Geffert, Plymale, Romano, and Stollings.

## **ENERGY, INDUSTRY, AND MINING**

Senators Smith (*Chair*), Phillips (*Vice Chair*), Boley, Clements, Hamilton, Martin, Nelson, Swope, Sypolt, Brown, Caputo, Jeffries, and Romano.

## **ENROLLED BILLS**

Senators Maynard (*Chair*), Roberts (*Vice Chair*), Tarr, Lindsay, and Woelfel.

## **FINANCE**

Senators Tarr (*Chair*), Sypolt (*Vice Chair*), Boley, Clements, Hamilton, Maroney, Martin, Nelson, Roberts, Swope, Takubo, Baldwin, Brown, Geffert, Jeffries, Plymale, and Stollings.

## **GOVERNMENT ORGANIZATION**

Senators Maynard (*Chair*), Swope (*Vice Chair*), Maroney, Martin, Nelson, Smith, Stover, Sypolt, Woodrum, Brown, Caputo, Jeffries, Lindsay, and Woelfel.

## **HEALTH AND HUMAN RESOURCES**

Senators Maroney (*Chair*), Grady (*Vice Chair*), Azinger, Roberts, Rucker, Stover, Takubo, Weld, Woodrum, Geffert, Lindsay, Plymale, and Stollings.

## **INTERSTATE COOPERATION**

Senators Woodrum (*Chair*), Stover (*Vice Chair*), Karnes, Maynard, Trump, Brown, and Romano.

## **JUDICIARY**

Senators Trump (*Chair*), Weld (*Vice Chair*), Azinger, Grady, Karnes, Maynard, Phillips, Rucker, Smith, Stover, Takubo, Woodrum, Beach, Caputo, Lindsay, Romano, and Woelfel.

## **MILITARY**

Senators Weld (*Chair*), Phillips (*Vice Chair*), Grady, Hamilton, Maroney, Smith, Caputo, Lindsay, and Romano.

**NATURAL RESOURCES**

Senators Hamilton (*Chair*), Stover (*Vice Chair*), Grady, Phillips, Roberts, Rucker, Smith, Sypolt, Woodrum, Beach, Jeffries, Stollings, and Woelfel.

**PENSIONS**

Senators Nelson (*Chair*), Clements (*Vice Chair*), Azinger, Karnes, Trump, Lindsay, and Plymale.

**SELECT COMMITTEE ON REDISTRICTING**

Senators Trump (*Chair*), Sypolt (*Vice Chair*), Phillips, Swope, Tarr, Weld, Caputo, Jeffries, and Woelfel.

**RULES**

Senators Blair (*Chair*), Takubo (*Vice Chair*), Azinger, Boley, Maroney, Tarr, Trump, Weld, Baldwin, Plymale, and Stollings.

**TRANSPORTATION AND INFRASTRUCTURE**

Senators Clements (*Chair*), Swope (*Vice Chair*), Boley, Karnes, Maynard, Roberts, Beach, Jeffries, and Plymale.

**WORKFORCE**

Senators Roberts (*Chair*), Nelson (*Vice Chair*), Maroney, Martin, Phillips, Smith, Tarr, Weld, Caputo, Geffert, and Jeffries.

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On motion of Senator Weld, at 11:59 a.m., the Senate adjourned until tomorrow, Tuesday, January 11, 2022, at 9 a.m.

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Tuesday, January 11, 2022

The Senate met at 9 a.m.

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

Prayer was offered by the Honorable Glenn D. Jeffries, a senator from the eighth district.

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, January 10, 2022,

At the request of Senator Lindsay, 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 communications from various state agencies as required by the provisions of law:

Accountancy, Board of (§30-1-12)

Administration, Department of (State Building Commission Fund) (§5-6-1)

Architects, Board of (§30-1-12)

Barbers and Cosmetologists, Board of (§30-1-12)

Chiropractic, Board of (§30-1-12)

Counseling, Board of Examiners in (§30-1-12)

Economic Development Authority (Combined Financial Statements) (§31-15-29)

Foresters, Board of Registration for (§30-1-12)

Forestry, Division of (Logging Sediment Control Act) (§19-1B-13)

Funeral Service Examiners, Board of (§30-1-12)

Geological and Economic Survey (§29-2-6)

Governor's Committee on Crime, Delinquency, and Correction (Recommendations for Criminal Sentencing Law Reform) (§15-9C-5)

Health and Human Resources, Department of (Medical Cannabis Advisory Board) (§16A-11-1)

Health and Human Resources, Department of (Youth Services) (§49-2-1006)

Insurance Commissioner, Offices of the (Occupational Pneumoconiosis Board) (§23-1-17)

Investment Management Board (Annual Report) (§12-6-14)

Investment Management Board (Audited Financial Statements) (§12-6-6)

Investment Management Board (Schedule of Investment Performance) (§12-6-6)

Medical Imaging and Radiation Therapy Technology Board of Examiners (§30-1-12)

Miners' Health, Safety, and Training, Office of (§22A-1-4)

Municipal Pensions Oversight Board (Municipal Policemen's and Firemen's Pension and Relief Funds) (§8-22-20a)

Nursing Home Administrators Licensing Board (§30-1-12)

Osteopathic Medicine, Board of (§30-1-12)

Personnel, Division of (§29-6-7)

Pharmacy, Board of (§30-1-12)

Physical Therapy, Board of (§30-1-12)

Professional Engineers, Board of Registration for (§30-1-12)

Protective Services, Division of (Monthly Incident Report)  
(§15-2D-3)

Psychologists, Board of Examiners of (§30-1-12)

Public Employees Grievance Board (§6C-3-3)

Real Estate Appraiser Licensing and Certification Board (§30-1-12)

Real Estate Commission (§30-1-12)

Registered Professional Nurses, Board of Examiners for (§30-1-12)

Ron Yost Personal Assistance Services Board (§18-10L-7)

Social Work, Board of (§30-1-12)

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

Speech-Language Pathology and Audiology, Board of Examiners for (§30-1-12)

Surveyors, Board of Professional (§30-1-12)

Tax Department, State (Tax Credit for Donation or Sale of Vehicle) (§11-13FF-6)

Treasury Investments, Board of (Comprehensive Financial Report) (§12-6-6)

Veterinary Medicine, Board of (§30-1-12)

Water Development Authority (§22C-1-17)

Women's Commission (§29-20-6)

On motion of Senator Weld, at 9:04 a.m., the Senate recessed until 10 a.m. today.

The Senate reconvened at 11:45 a.m. and proceeded to the third order of business.

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

**Eng. Senate Bill 1001**, West Virginia Industrial Advancement Act.

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

**Eng. Senate Bill 1002**, Making supplemental appropriation of federal funds to Governor's Office, Coronavirus State Fiscal Recovery Fund.

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

**Eng. Senate Bill 1003**, Decreasing and increasing existing appropriations from State Fund, General Revenue.

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

**Eng. Senate Bill 1004**, Decreasing items of appropriation from State Fund, General Revenue.

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

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

On page three, line seven, following the number 33500, by striking out the number "\$57,676,000" and inserting in lieu thereof the number "\$55,136,000".

On motion of Senator Weld, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill 1004, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: None.

Absent: Maroney, Rucker, Stover, and Takubo—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1004) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: None.

Absent: Maroney, Rucker, Stover, and Takubo—4.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1004) takes effect from passage.

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

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

**Eng. Senate Bill 1005**, Expiring funds and supplementing appropriations to various state agencies.

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

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

On page three, line seven, following the number 63200, by striking out the number "\$57,676,000" and inserting in lieu thereof the number "\$55,136,000".

On motion of Senator Weld, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill 1005, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: None.

Absent: Maroney, Rucker, Stover, and Takubo—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1005) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: None.

Absent: Maroney, Rucker, Stover, and Takubo—4.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1005) takes effect from passage.

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

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

**Eng. Senate Bill 1006**, Supplementing and amending appropriations to Department of Economic Development, Office of Secretary.

### **Executive Communications**

Senator Blair (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, consisting of executive nominations for appointees:



*Jim Justice*  
*Governor of West Virginia*

January 11, 2022

**Senate Executive Message No. 1**  
**First Extraordinary Session 2022**

TO: The Honorable Members of the  
West Virginia Senate

Ladies and Gentlemen:

I respectfully submit the following nominations for your advice and consent:

1. For Secretary, Department of Administration, Mark D. Scott, Elkins, Randolph County, to serve at the will and pleasure of the Governor.
2. For Member, Nursing Home Administrators Licensing Board, Gregory K. Stephens, Washington, Wood County, for the term ending June 30, 2025.
3. For Member, Nursing Home Administrators Licensing Board, M. Raymond Alvarez, Fairmont, Marion County, for the term ending June 30, 2024.
4. For Member, Concord University Board of Governors, Bradley M. Lane, Princeton, Mercer County, for the term ending June 30, 2025.
5. For Member, Concord University Board of Governors, Kimberly A.C. Enochs, Moneta, Virginia, for the term ending June 30, 2024.
6. For Member, West Virginia Northern Community and Technical College Board of Governors, Shelly L. Thomas, Wheeling, Ohio County, for the term ending June 30, 2025.
7. For Member, West Virginia Northern Community and Technical College Board of Governors, Lawrence P. Lemon, New Martinsville, Wetzel County, for the term ending June 30, 2024.



## OFFICE OF THE GOVERNOR

8. For Member, West Virginia Northern Community and Technical College Board of Governors, Martha Cristine Mitchell, Pine Grove, Wetzel County, for the term ending June 30, 2024.
9. For Member, West Virginia Northern Community and Technical College Board of Governors, Elizabeth Hofreuter, Wheeling, Ohio County, for the term ending June 30, 2022.
10. For Member, West Virginia Northern Community and Technical College Board of Governors, Jacob C. Altmeyer, Triadelphia, Ohio County, for the term ending June 30, 2023.
11. For Member, Flatwater Trail Commission, George Levitsky, Fairmont, Marion County, for the term ending December 31, 2026.
12. For Member, Flatwater Trail Commission, John Burchett, Williamson, Mingo County, for the term ending December 31, 2026.
13. For Member, Consolidated Public Retirement Board, Beth K. Morgan, Princeton, Mercer County, for the term ending June 30, 2022.
14. For Member, New River Community and Technical College Board of Governors, Yvonne D. Seay, Beckley, Raleigh County, for the term ending June 30, 2025.
15. For Member, New River Community and Technical College Board of Governors, Ramona Beverage, Craigs ville, Nicholas County, for the term ending June 30, 2025.
16. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Scott Barnette, Charleston, Kanawha County, for the term ending June 30, 2023.
17. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Daniel J. Burns, Shady Spring, Raleigh County, for the term ending June 30, 2022.
18. For Member, West Virginia Board of Physical Therapy, Travis Tarr, Scott Depot, Putnam County, for the term ending June 30, 2024.
19. For Member, Broadband Enhancement Council, Scott Edwards, Hurricane, Putnam County, for the term ending June 30, 2023.
20. For Member, Dangerousness Assessment Advisory Board, Christi Cooper-Lehki, Morgantown, Monongalia County, to serve at the will and pleasure of the Governor.
21. For Member, Dangerousness Assessment Advisory Board, Jessica Talley, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

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22. For Member, Dangerousness Assessment Advisory Board, David A. Clayman, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.
23. For Member, Dangerousness Assessment Advisory Board, Colleen Lillard, Morgantown, Monongalia County, to serve at the will and pleasure of the Governor.
24. For Member, Board of Registration for Professional Engineers, L. A. Gates, Daniels, Raleigh County, for the term ending June 30, 2025.
25. For Member, West Virginia Board of Education, The Honorable Thomas W. Campbell, Lewisburg, Greenbrier County, for the term ending November 4, 2030.
26. For Member, Eastern West Virginia Community and Technical College Board of Governors, Shawn Alt, Moatsville, Barbour County, for the term ending June 30, 2025.
27. For Member, West Virginia Board of Medicine, Radhakrishna U. Kukkillaya, Charleston, Kanawha County, for the term ending September 30, 2024.
28. For Member, Southern West Virginia Community and Technical College Board of Governors, David H. Gresham, Chapmanville, Logan County, for the term ending June 30, 2025.
29. For Member, Southern West Virginia Community and Technical College Board of Governors, Virgil L. Underwood, Danville, Boone County, for the term ending June 30, 2024.
30. For Member, Statewide Independent Living Council, Kelly Johnson Marcum, St. Albans, Kanawha County, for the term ending June 30, 2024.
31. For Member, Statewide Independent Living Council, Meredith Pride, Charleston, Kanawha County, for the term ending June 30, 2024.
32. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Russell D. Rice, Parkersburg, Wood County, for the term ending June 30, 2024.
33. For Member, Women's Commission, Belinda J. Biafore, Fairmont, Marion County, for the term ending June 30, 2024.
34. For Member, Women's Commission, Leah D. Glover, Charleston, Kanawha County, for the term ending June 30, 2024.
35. For Member, Women's Commission, Elizabeth A. Critch, Morgantown, Monongalia County, for the term ending June 30, 2024.

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36. For Member, West Virginia Board of Education, The Honorable Paul Hardesty, Holden, Logan County, for the term ending November 4, 2029.
37. For Member, Board of Coal Mine Health and Safety, Christopher E. Prater, Madison, Boone County, for the term ending June 30, 2023.
38. For Member Real Estate Commission, Robert D. Kennen, Wheeling, Ohio County, for the term ending June 30, 2025.
39. For Member, Board of the College Prepaid Tuition and Savings Program Board of Trustees, Christopher L. Heller, Hurricane, Putnam County, for the term ending June 30, 2026.
40. For Deputy State Resiliency Officer, State Resiliency Office, Edwin Martin, Fairmont, Marion County, to serve at the will and pleasure of the Governor.
41. For Judge, West Virginia Intermediate Court of Appeals, Thomas E. Scarr, Barboursville, Cabell County, for the term ending December 31, 2024.
42. For Judge, West Virginia Intermediate Court of Appeals, Daniel W. Greear, South Charleston, Kanawha County, for the term ending December 31, 2026.
43. For Judge, West Virginia Intermediate Court of Appeals, Donald A. Nickerson, Jr., Wheeling, Ohio County, for the term ending December 31, 2028.
44. For Member, Veterans' Council, Randall L. Bare, Ravenswood, Jackson County, for the term ending June 30, 2024.
45. For Member, Veterans' Council, Hershel Woodrow Williams, Ona, Cabell County, for the term ending June 30, 2024.
46. For Member, Veterans' Council, Jackson W. Gerrard, Clarksburg, Harrison County, for the term ending June 30, 2025.
47. For Member, Veterans' Council, Corrina M. Boggess, Winfield, Putnam County, for the term ending June 30, 2025.
48. For Member, Veterans' Council, Lew G. Tyree, Charleston, Kanawha County, for the term ending June 30, 2026.
49. For Member, Education Commission of the States, Drew McClanahan, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

## OFFICE OF THE GOVERNOR

50. For Member, State Board of Sanitarians, Jarold Cochran, Beckley, Raleigh County, for the term ending June 30, 2024.
51. For Member, Veterans' Council, Roger Kim Wolfe, Huntington, Cabell County, for the term ending June 30, 2026.
52. For Member, West Virginia Municipal Pensions Oversight Board, Thompson R. Percy, Charleston, Kanawha County, for the term ending January 1, 2027.
53. For Member, Athletic Commission, Brandon Lee Gray, Fayetteville, Fayette County, for the term ending June 30, 2023.

Notice of these appointments was previously provided to the appropriate legislative staff at the time the appointments were made.

Sincerely,



Jim Justice  
Governor

JCJ: mrp

cc: Clerk of the Senate  
Assistant Clerk of the Senate  
Senate Confirmations Chair

Which communication was received.

At the request of Senator Boley, and by unanimous consent, the nominations hereinbefore reported were taken up for immediate consideration.

Thereupon, Senator Blair (Mr. President) laid before the Senate the following executive message:

**Senate Executive Message 1**, dated January 11, 2022 (*shown in the Senate Journal of today, immediately hereinbefore reported*).

Senator Boley then moved that the Senate advise and consent to all of the executive nominations referred to in Senate Executive Message 1, except the nomination of Travis Tarr to the West Virginia Board of Physical Therapy (being nomination number 18 in Executive Message 1) and the nomination of Belinda J. Biafore to the Women's Commission (being nomination number 33 in Executive Message 1).

The question being on the adoption of Senator Boley's aforestated motion,

The roll was then taken; and

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: None.

Absent: Maroney, Rucker, Stover, and Takubo—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and that all the executive nominations referred to in Senate Executive Message 1, except the nomination of Travis Tarr to the West Virginia Board of Physical Therapy

(being nomination number 18 in Executive Message 1) and the nomination of Belinda J. Biafore to the Women's Commission (being nomination number 33 in Executive Message 1) had been confirmed.

Senator Boley then moved that the Senate advise and consent to the nomination of Travis Tarr to the West Virginia Board of Physical Therapy (being nomination number 18 in Executive Message 1).

Prior to the call of the roll, Senator Tarr moved to be excused from voting under Rule 43 of the Rules of the Senate, which motion prevailed.

The roll was then taken; and

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Swope, Sypolt, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Maroney, Rucker, Stover, and Takubo—4.

Excused from voting: Tarr—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and the nomination of Travis Tarr to the West Virginia Board of Physical Therapy had been confirmed.

Senator Boley then moved that the Senate advise and consent to the nomination of Belinda J. Biafore to the Women's Commission (being nomination number 33 in Executive Message 1).

The roll was then taken; and

On this question, the yeas were: Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Hamilton, Jeffries, Lindsay,

Maynard, Nelson, Plymale, Romano, Stollings, Swope, Trump, Weld, and Woelfel—19.

The nays were: Azinger, Grady, Karnes, Martin, Phillips, Roberts, Smith, Sypolt, Tarr, Woodrum, and Blair (Mr. President)—11.

Absent: Maroney, Rucker, Stover, and Takubo—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and the nomination of Belinda J. Biafore to the Women's Commission had been confirmed.

---

Consideration of executive nominations having been concluded,

The following communication from His Excellency, the Governor, was reported by the Clerk:



*Jim Justice*  
 Governor of West Virginia

January 11, 2022

SENATE EXECUTIVE MESSAGE NO. 2  
 2022 1st EXTRAORDINARY SESSION

The Honorable Craig Blair  
 President, West Virginia Senate  
 Building 1, Room M-229  
 1900 Kanawha Boulevard, East  
 Charleston, West Virginia 25305

Dear President Blair:

The following is the "FY 2022 Official Estimate General Revenue – Statement of Revenues by Source" which I submitted as revised to you on June 24, 2021 for the fiscal year ending June 30, 2022:

General Revenue Fund  
 Statement of Revenues by Source  
 (Expressed in Thousands)

<u>Source of Revenue</u>	<u>FY 2022 Official Estimate</u>
Business and Occupation Tax	\$ 111,000
Consumers Sales and Use Tax	1,473,800
Personal Income Tax	2,041,300
Liquor Profit Transfers	25,000
Beer Tax and Licenses	7,550
Tobacco Products Tax (Cigarette & Other)	164,600
Business Franchise Fees	700
Property Transfer Tax	13,400
Property Tax	7,600

State Capitol | 1900 Kanawha Blvd., East, Charleston, WV 25305 | (304) 558-2000



## OFFICE OF THE GOVERNOR

The Honorable Craig Blair  
 SENATE EXECUTIVE MESSAGE NO. 2  
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Insurance Tax	126,600
Departmental Collections	23,700
Corporate Income/Business Franchise Tax	160,300
Miscellaneous Transfers	2,000
Interest Income	5,500
Severance Tax	319,700
Miscellaneous Receipts	11,000
HB102 - Lottery Transfers	65,000
Special Revenue Transfer	766
Senior Citizen Tax Credit Reimbursement	<u>10,000</u>
Total	<u>\$ 4,569,616</u>

The following is the "General Revenue Fund – Statement of Revenues, Expenditures, and Changes in Cash Balance" which I submitted as revised to you on June 24, 2021 for the fiscal year ending June 30, 2022:

General Revenue Fund  
 Statement of Revenues, Expenditures,  
 and Changes in Cash Balance  
 (Nearest Dollar)

Actual Beginning Cash Balance July 1, 2021	\$ 679,107,496
Less: 31 Day Disbursements (July 1, 2021 - July 31, 2021)	(44,064,733)
Plus: Prior Year Reimbursements (July 1, 2021 - July 31, 2021)	17,588
Less: Prior Year Appropriations Forwarded	(604,045,150)
Less: Cash Balance - Adjustments and Accruals	<u>212,369</u>
Accumulated Surplus from FY 2021 @ July 31, 2021	\$ 30,802,833
Less: Transfer to Revenue Shortfall Reserve Fund (Statutory)	(15,401,416)
Unappropriated Surplus Balance @ August 01, 2021	<b>\$15,401,416</b>

## OFFICE OF THE GOVERNOR

The Honorable Craig Blair  
 SENATE EXECUTIVE MESSAGE NO. 2  
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 January 11, 2022  
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Plus: FY 2022 Supplemental Appropriation (SB 3003) FY 2022 Surplus Supplemental  
 Appropriation

Expiration of Special Revenue to Unappropriated Surplus Balance of General Revenue  
 (Attorney General) \$ 2,000,000

Less: FY 2022 Supplemental Appropriation (SB 3019) FY 2022 Surplus Supplemental  
 Appropriation

General Revenue Appropriation from the Unappropriated Surplus Balance of General  
 Revenue  
 (Civil Contingent Fund) (2,000,000)

Plus: FY 2022 Recommended Supplemental Appropriation - Expiration from Federal Funds to  
 Unappropriated Surplus Balance 157,500,000

Less: FY 2022 Recommended Supplemental Appropriation - FY 2022 Surplus Supplemental  
 Appropriation to various agencies (157,500,000)

Plus: Prior Year Reimbursements and Adjustments  
 (August 1, 2021 – December 31, 2021) 120,479

Unappropriated Surplus Balance @ January 11, 2022 **\$15,521,895**

Plus: FY 2022 Revenue Estimate \$4,569,616,000

Less: FY 2022 Appropriations (FY 2022 Budget Bill)  
 (2021 Regular Session) (4,495,032,115)

Less: FY 2022 Supplemental Appropriation  
 to Department of Economic Development (SB 3040) (Broadband)  
 (10,000,000)

Less: FY 2022 Supplemental Appropriation  
 to Department of Homeland Security (SB 3036) (VOCA) (4,000,000)

Less: FY 2022 Supplemental Appropriation  
 to Department of Administration (SB 3020) (Division of Personnel) (500,000)

Less: FY 2022 Supplemental Appropriation

## OFFICE OF THE GOVERNOR

The Honorable Craig Blair  
 SENATE EXECUTIVE MESSAGE NO. 2  
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	to Department of Education (SB 3018) (Charter Schools)	(250,000)
Less:	FY 2022 Supplemental Appropriation	
	to Department of Economic Development (SB 3017) (Global Partnerships)	(150,000)
Less:	FY 2022 Supplemental Appropriation	
	to Department of Arts, Culture and History (SB 3016)	(72,900)
Less:	FY 2022 Supplemental Appropriation	
	to Transportation (SB 3023)	(30,000)
Less:	FY 2022 Recommended Supplemental Appropriation	
	to Department of Economic Development	(15,000,000)
	Total Estimated Unappropriated Balance @ June 30, 2022	<u>\$44,580,985</u>
	<b>Total Estimated Unappropriated Balance @ June 30, 2022</b>	<b><u>\$60,102,880</u></b>

Thank you for your cooperation in this matter.

Sincerely,



Jim Justice  
 Governor

cc: The Honorable Riley Moore  
 The Honorable John B. McCuskey

Which communication was received and referred to the Committee on Finance.

On motion of Senator Weld, at 11:55 a.m., the Senate recessed until 4 p.m. today.

The Senate reconvened at 4:03 p.m. and proceeded to the thirteenth order of business.

At the request of Senator Weld, unanimous consent being granted, leaves of absence for the day were granted Senators Maroney and Stover.

At the request of Senator Weld, and by unanimous consent, Senator Weld offered the following pre-adjourning resolution from the floor:

**Senate Resolution 103**—Raising a committee to notify the House of Delegates the Senate is ready to adjourn *sine die*.

*Resolved by the Senate:*

That the President be authorized to appoint a committee of three to notify the House of Delegates that the Senate has completed its labors and is ready to adjourn *sine die*.

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

Senator Blair (Mr. President), under the provisions of the foregoing resolution, appointed the following committee to notify the House of Delegates of impending Senate adjournment:

Senators Azinger, Hamilton, and Caputo.

Subsequently, Senator Azinger reported that the duties assigned by Senate Resolution 103 had been performed.

Thereafter, a three-member delegation from the House of Delegates, namely Delegates Storch, Toney, and Pethtel,

announced that that body also had completed its labors and was ready to adjourn *sine die*.

At the request of Senator Weld, and by unanimous consent, Senator Weld offered the following resolution from the floor:

**Senate Resolution 104**—Raising a committee to notify His Excellency, the Governor, that the Legislature is ready to adjourn *sine die*.

*Resolved by the Senate:*

That the President be authorized to appoint a committee of three to join with a similar committee of the House of Delegates to notify His Excellency, the Governor, that the Legislature has completed its labors and is ready to adjourn *sine die*.

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

Under the provisions of the foregoing resolution, Senator Blair (Mr. President) appointed the following committee to notify His Excellency, the Governor, that the Senate was ready to adjourn:

Senators Maynard, Swope, and Tarr.

Delegates Martin, D. Jeffries, and Lovejoy, then announced that they had been appointed by that body to join with the similar committee named by the Senate to wait upon His Excellency and were ready to proceed with this assignment.

Senators Maynard, Swope, and Tarr, comprising the Senate committee, then joined the House committee and proceeded to the executive offices to notify His Excellency, the Governor, of imminent adjournment of this extraordinary session of the Legislature.

Subsequently, Senator Maynard, from the joint select committee to notify His Excellency, the Governor, that the Legislature had completed the business of this extraordinary

session and was ready to adjourn *sine die*, returned to the chamber and was recognized by the President. Senator Maynard then reported this mission accomplished.

At the request of Senator Maynard, unanimous consent being granted, the Joint Committee on Enrolled Bills was granted permission, after it has examined, found truly enrolled and presented to His Excellency, the Governor, for his action, bills passed but not presented to him prior to adjournment of this first extraordinary session of the eighty-fifth Legislature in the year two thousand twenty-two, to file its reports with the Clerk and that the same be included in the Journal of the last day of the session; and also, that any communications from His Excellency, the Governor, as to his action on bills after adjournment of the session, be included in the Journal.

In accordance with the foregoing unanimous consent agreement, the following report of the Joint Committee on Enrolled Bills was filed as follows:

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 12th day of January, 2022, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**(S. B. 1001)**, West Virginia Industrial Advancement Act.

**(S. B. 1002)**, Making supplemental appropriation of federal funds to Governor's Office, Coronavirus State Fiscal Recovery Fund.

**(S. B. 1003)**, Decreasing and increasing existing appropriations from State Fund, General Revenue.

**(S. B. 1004)**, Decreasing items of appropriation from State Fund, General Revenue.

(S. B. 1005), Expiring funds and supplementing appropriations to various state agencies.

(S. B. 1006), Supplementing and amending appropriations to Department of Economic Development, Office of Secretary.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Dean Jeffries,  
*Chair, House Committee.*

### **Executive Communications**

Under authorization of Senate approval therefor in prior proceedings today, to include in this day's Journal communications showing the Governor's action on enrolled bills presented to him in post-session reports, the following is inserted hereinafter:

The Clerk then presented the following communication from His Excellency, the Governor, regarding bills approved by him:



*Jim Justice*  
*Governor of West Virginia*

January 12, 2022

The Honorable Mac Warner  
Secretary of State  
State Capitol  
Charleston, West Virginia 25305

Dear Secretary Warner:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Senate Bill No. One Thousand One (1001), which was presented to me on January 12, 2022.

Senate Bill No. One Thousand Two (1002), which was presented to me on January 12, 2022.

Senate Bill No. One Thousand Three (1003), which was presented to me on January 12, 2022.

Senate Bill No. One Thousand Four (1004), which was presented to me on January 12, 2022.

Senate Bill No. One Thousand Five (1005), which was presented to me on January 12, 2022.

Senate Bill No. One Thousand Six (1006), which was presented to me on January 12, 2022.

You will note that I have approved these bills on January 12, 2022.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice  
Governor

JJ/mh

cc: The Honorable Lee Cassis, Clerk  
The Honorable Stephen J. Harrison, Clerk



On motion of Senator Weld, at 4:07 p.m., the first extraordinary session of the Senate in the year 2022 adjourned *sine die*.

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*We hereby certify that the foregoing Senate record of the proceedings of the First Extraordinary Session of the Eighty-Fifth Legislature, 2022, is the Official Journal of the Senate for said session.*

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*President of the Senate*

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*Clerk of the Senate*



**SENATE ABSTRACT INDEX**  
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## HISTORY OF BILLS AND RESOLUTIONS CONSIDERED BY SENATE

(This symbol \* indicates Committee Substitutes.)

### SENATE BILLS PASSED LEGISLATURE

1001. By Sen. Blair (Mr. President) and Baldwin [By Request of the Executive] - **West Virginia Industrial Advancement Act** (original similar to HB101) - Passed 1/11/2022; Effective from passage - To Governor 01/12/2022 - Approved by Governor 01/12/2022 - Chapter 6, Acts, 1st Extraordinary Session, 2022
1002. By Sen. Blair (Mr. President) and Baldwin [By Request of the Executive] - **Making supplemental appropriation of federal funds to Governor's Office, Coronavirus State Fiscal Recovery Fund** (original similar to HB102) - Passed 1/11/2022; Effective from passage - To Governor 01/12/2022 - Approved by Governor 01/12/2022 - Chapter 1, Acts, 1st Extraordinary Session, 2022
1003. By Sen. Blair (Mr. President) and Baldwin [By Request of the Executive] - **Decreasing and increasing existing appropriations from State Fund, General Revenue** (original similar to HB103) - Passed 1/11/2022; Effective from passage - To Governor 01/12/2022 - Approved by Governor 01/12/2022 - Chapter 2, Acts, 1st Extraordinary Session, 2022
1004. By Sen. Blair (Mr. President) and Baldwin [By Request of the Executive] - **Decreasing items of appropriation from State Fund, General Revenue** (original similar to HB104) - Passed 1/11/2022; Effective from passage - To Governor 01/12/2022 - Approved by Governor 01/12/2022 - Chapter 3, Acts, 1st Extraordinary Session, 2022
1005. By Sen. Blair (Mr. President) and Baldwin [By Request of the Executive] - **Expiring funds and supplementing appropriations to various state agencies** (original similar to HB105) - Passed 1/11/2022; Effective from passage - To Governor 01/12/2022 - Approved by Governor 01/12/2022 - Chapter 4, Acts, 1st Extraordinary Session, 2022
1006. By Sen. Blair (Mr. President) and Baldwin [By Request of the Executive] - **Supplementing and amending appropriations to Department of Economic Development, Office of Secretary** (original similar to HB106) - Passed 1/11/2022; Effective from passage - To Governor 01/12/2022 - Approved by Governor 01/12/2022 - Chapter 5, Acts, 1st Extraordinary Session, 2022

### ALL SENATE BILLS INTRODUCED

1001. By Sen. Blair (Mr. President) and Baldwin [By Request of the Executive] - **West Virginia Industrial Advancement Act** (original similar to HB101) - Introduced 1/10/2022 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 1/10/2022 - Effective from passage - To House 1/10/2022 - Reference dispensed - Passed House 1/11/2022 - Effective from

passage - To Governor 01/12/2022 - Approved by Governor 01/12/2022 - Chapter 6, Acts, 1st Extraordinary Session, 2022

1002. By Sen. Blair (Mr. President) and Baldwin [By Request of the Executive] - **Making supplemental appropriation of federal funds to Governor's Office, Coronavirus State Fiscal Recovery Fund** (original similar to HB102) - Introduced 1/10/2022 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 1/10/2022 - Effective from passage - To House 1/10/2022 - Reference dispensed - Passed House 1/11/2022 - Effective from passage - To Governor 01/12/2022 - Approved by Governor 01/12/2022 - Chapter 1, Acts, 1st Extraordinary Session, 2022
1003. By Sen. Blair (Mr. President) and Baldwin [By Request of the Executive] - **Decreasing and increasing existing appropriations from State Fund, General Revenue** (original similar to HB103) - Introduced 1/10/2022 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 1/10/2022 - Effective from passage - To House 1/10/2022 - Reference dispensed - Passed House 1/11/2022 - Effective from passage - To Governor 01/12/2022 - Approved by Governor 01/12/2022 - Chapter 2, Acts, 1st Extraordinary Session, 2022
1004. By Sen. Blair (Mr. President) and Baldwin [By Request of the Executive] - **Decreasing items of appropriation from State Fund, General Revenue** (original similar to HB104) - Introduced 1/10/2022 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 1/10/2022 - Effective from passage - To House 1/10/2022 - Reference dispensed - Amended - Passed House 1/11/2022 - Effective from passage - Senate concurred in House amendments and passed bill 1/11/2022 - Effective from passage - To Governor 01/12/2022 - Approved by Governor 01/12/2022 - Chapter 3, Acts, 1st Extraordinary Session, 2022
1005. By Sen. Blair (Mr. President) and Baldwin [By Request of the Executive] - **Expiring funds and supplementing appropriations to various state agencies** (original similar to HB105) - Introduced 1/10/2022 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 1/10/2022 - Effective from passage - To House 1/10/2022 - Reference dispensed - Amended - Passed House 1/11/2022 - Effective from passage - Senate concurred in House amendments and passed bill 1/11/2022 - Effective from passage - To Governor 01/12/2022 - Approved by Governor 01/12/2022 - Chapter 4, Acts, 1st Extraordinary Session, 2022
1006. By Sen. Blair (Mr. President) and Baldwin [By Request of the Executive] - **Supplementing and amending appropriations to Department of Economic Development, Office of Secretary** (original similar to HB106) - Introduced 1/10/2022 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 1/10/2022 - Effective from passage - To House 1/10/2022 - Reference dispensed - Passed House 1/11/2022 - Effective from passage - To Governor 01/12/2022 - Approved by Governor 01/12/2022 - Chapter 5, Acts, 1st Extraordinary Session, 2022

**ALL SENATE RESOLUTIONS OFFERED**

101. By Sen. Weld - **Notifying House of Delegates Senate has assembled in extraordinary session** - Introduced 1/10/2022 - Committee reference dispensed - Adopted 1/10/2022
102. By Sen. Weld - **Notifying Governor Legislature has assembled in extraordinary session** - Introduced 1/10/2022 - Committee reference dispensed - Adopted 1/10/2022
103. By Sen. Weld - **Notifying House of Delegates Senate is ready to adjourn sine die** - Introduced 1/11/2022 - Committee reference dispensed - Adopted 1/11/2022
104. By Sen. Weld - **Notifying Governor Legislature is ready to adjourn sine die** - Introduced 1/11/2022 - Committee reference dispensed - Adopted 1/11/2022

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1005 -	By Senators Blair (Mr. President) and Baldwin [By Request of the Executive]: Expiring funds and supplementing appropriations to various state agencies	18		30	19, 30	30	18-20, 30-31, 47-48
1006 -	By Senators Blair (Mr. President) and Baldwin [By Request of the Executive]: Supplementing and amending appropriations to Department of Economic Development, Office of Secretary	20			21	31	20-21, 47-48

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102 -	By Senator Weld: Notifying Governor Legislature has assembled in extraordinary session	8			9	9
103 -	By Senator Weld: Notifying House of Delegates Senate is ready to adjourn <i>sine die</i>	44			44	44
104 -	By Senator Weld: Notifying Governor Legislature is ready to adjourn <i>sine die</i>	45			45	45



# JOURNAL of THE SENATE State of West Virginia

**EIGHTY-FIFTH LEGISLATURE**

Regular Sixty-Day Session, 2022



NOTE: The Second Regular Session of the Eighty-Fifth Legislature convened on January 12, 2022, and concluded the sixty-day constitutional session with final adjournment at midnight, March 12, 2022.

This session 2,216 bills were introduced in the two houses.

Members of the Senate, officers, and standing committee membership lists precede the Official Regular Session Journal and are shown hereinafter.

PUBLISHED UNDER THE DIRECTION OF  
LEE CASSIS, *Senate Clerk*

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**STAFF**

Kristin Canterbury, *Assistant Clerk*

Lori Nichols, *Journal Clerk*

Xris Hess, *Bill History Clerk*

Jocelyn Ellis, *Bill Clerk*

SENATE OF WEST VIRGINIA  
MEMBERS, OFFICERS, AND STANDING COMMITTEES

**REGULAR SESSION, 2022**

**OFFICERS**

*President:* Craig Blair, (R), Martinsburg  
*President pro Tempore:* Donna J. Boley, (R), St. Marys  
*Clerk:* Lee Cassis, Charleston  
*Sergeant at Arms:* David Lavender, Hurricane  
*Doorkeeper:* Jeffrey L. Branham, Cross Lanes

<b>District</b>	<b>Name</b>	<b>Address</b>
First	<sup>2</sup> Owens Brown, (D)	Wheeling
	*Ryan W. Weld, (R)	Wellsburg
Second	Charles H. Clements, (R)	New Martinsville
	*Michael J. Maroney, (R)	Glen Dale
Third	Michael T. Azinger, (R)	Vienna
	*Donna J. Boley, (R)	St. Marys
Fourth	*Amy N. Grady, (R)	Leon
	Eric J. Tarr, (R)	Scott Depot
Fifth	*Robert H. Plymale, (D)	Huntington
	Michael A. Woelfel, (D)	Huntington
Sixth	Mark R. Maynard, (R)	Wayne
	*Chandler Swope, (R)	Bluefield
Seventh	*Rupie Phillips, (R)	Lorado
	Ron D. Stollings, (D)	Madison
Eighth	*Glenn D. Jeffries, (D)	Red House
	Richard D. Lindsay II, (D)	Charleston
Ninth	Rollan A. Roberts, (R)	Beaver
	*David Stover, (R)	Mullens
Tenth	Stephen Baldwin, (D)	Ronceverte
	*Jack David Woodrum, (R)	Hinton
Eleventh	Bill Hamilton, (R)	Buckhannon
	*Robert L. Karnes, (R)	Helvetia
Twelfth	*Patrick S. Martin, (R)	Jane Lew
	Michael J. Romano, (D)	Clarksburg
Thirteenth	Robert D. Beach, (D)	Morgantown
	*Mike Caputo, (D)	Rivesville
Fourteenth	*Randy E. Smith, (R)	Thomas
	Dave Sypolt, (R)	Kingwood
Fifteenth	*Craig Blair, (R)	Martinsburg
	Charles S. Trump IV, (R)	Berkeley Springs
Sixteenth	<sup>1</sup> Hannah N. Geffert, (D)	Martinsburg
	*Patricia Puertas Rucker, (R)	Harpers Ferry
Seventeenth	*Eric Nelson, Jr., (R)	Charleston
	Tom Takubo, (R)	Charleston

\*Elected in 2020 to full four-year term.

<sup>1</sup> Appointed September 29, 2021, to unexpired term of John R. Unger II, who resigned September 11, 2021.

<sup>2</sup> Appointed October 7, 2021, to unexpired term of William J. Ihlenfeld II, who resigned October 5, 2021.

Democrats	11
Republicans	<u>23</u>
Total	34

# SENATE COMMITTEES

## STANDING AND SELECT COMMITTEES OF THE SENATE

2022

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### AGRICULTURE AND RURAL DEVELOPMENT

Senators Sypolt (*Chair*), Woodrum (*Vice Chair*), Grady, Martin, Maynard, Roberts, Rucker, Smith, Baldwin, Beach, and Geffert.

### BANKING AND INSURANCE

Senators Azinger (*Chair*), Clements (*Vice Chair*), Boley, Hamilton, Karnes, Nelson, Rucker, Swope, Weld, Beach, Brown, Romano, and Woelfel.

### CONFIRMATIONS

Senators Boley (*Chair*), Takubo (*Vice Chair*), Azinger, Rucker, Tarr, Weld, Baldwin, Plymale, and Stollings.

### ECONOMIC DEVELOPMENT

Senators Swope (*Chair*), Martin (*Vice Chair*), Azinger, Hamilton, Nelson, Roberts, Stover, Tarr, Woodrum, Brown, Jeffries, Romano, Stollings, and Woelfel.

### EDUCATION

Senators Rucker (*Chair*), Roberts (*Vice Chair*), Azinger, Boley, Clements, Grady, Karnes, Tarr, Trump, Beach, Geffert, Plymale, Romano, and Stollings.

### ENERGY, INDUSTRY, AND MINING

Senators Smith (*Chair*), Phillips (*Vice Chair*), Boley, Clements, Hamilton, Martin, Nelson, Swope, Sypolt, Brown, Caputo, Jeffries, and Romano.

### ENROLLED BILLS

Senators Maynard (*Chair*), Roberts (*Vice Chair*), Tarr, Lindsay, and Woelfel.

## SENATE COMMITTEES

### FINANCE

Senators Tarr (*Chair*), Sypolt (*Vice Chair*), Boley, Clements, Hamilton, Maroney, Martin, Nelson, Roberts, Swope, Takubo, Baldwin, Brown, Geffert, Jeffries, Plymale, and Stollings.

### GOVERNMENT ORGANIZATION

Senators Maynard (*Chair*), Swope (*Vice Chair*), Maroney, Martin, Nelson, Smith, Stover, Sypolt, Woodrum, Brown, Caputo, Jeffries, Lindsay, and Woelfel.

### HEALTH AND HUMAN RESOURCES

Senators Maroney (*Chair*), Grady (*Vice Chair*), Azinger, Roberts, Rucker, Stover, Takubo, Weld, Woodrum, Geffert, Lindsay, Plymale, and Stollings.

### INTERSTATE COOPERATION

Senators Woodrum (*Chair*), Stover (*Vice Chair*), Karnes, Maynard, Trump, Brown, and Romano.

### JUDICIARY

Senators Trump (*Chair*), Weld (*Vice Chair*), Azinger, Grady, Karnes, Maynard, Phillips, Rucker, Smith, Stover, Takubo, Woodrum, Beach, Caputo, Lindsay, Romano, and Woelfel.

### MILITARY

Senators Weld (*Chair*), Phillips (*Vice Chair*), Grady, Hamilton, Maroney, Smith, Caputo, Lindsay, and Romano.

### NATURAL RESOURCES

Senators Hamilton (*Chair*), Stover (*Vice Chair*), Grady, Phillips, Roberts, Rucker, Smith, Sypolt, Woodrum, Beach, Jeffries, Stollings, and Woelfel.

### PENSIONS

Senators Nelson (*Chair*), Clements (*Vice Chair*), Azinger, Karnes, Trump, Lindsay, and Plymale.

## SENATE COMMITTEES

### SELECT COMMITTEE ON REDISTRICTING

Senators Trump (*Chair*), Sypolt (*Vice Chair*), Phillips, Swope, Tarr, Weld, Caputo, Jeffries, and Woelfel.

### RULES

Senators Blair (*Chair*), Takubo (*Vice Chair*), Azinger, Boley, Maroney, Tarr, Trump, Weld, Baldwin, Plymale, and Stollings.

### TRANSPORTATION AND INFRASTRUCTURE

Senators Clements (*Chair*), Swope (*Vice Chair*), Boley, Karnes, Maynard, Roberts, Beach, Jeffries, and Plymale.

### WORKFORCE

Senators Roberts (*Chair*), Nelson (*Vice Chair*), Maroney, Martin, Phillips, Smith, Tarr, Weld, Caputo, Geffert, and Jeffries.

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WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE  
REGULAR SESSION, 2022

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WEDNESDAY, JANUARY 12, 2022

Pursuant to section eighteen, article six of the Constitution of the State of West Virginia, which prescribes that the Legislature shall convene annually on the second Wednesday in January, the Senate assembled in its chamber in the state capitol in the City of Charleston, West Virginia, on this twelfth day of January, 2022, for the second annual sixty-day session of the eighty-fifth Legislature, and at 12:01 p.m. was called to order by the President, the Honorable Craig Blair.

Prayer was offered by Bishop Joe Thomas, Nondenominational Fellowship Pentecostal Ministries, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Charles S. Trump IV, a senator from the fifteenth district.

On the call of the roll, the following answered to their names:

Senators Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President).

Thirty-two members having answered to their names, the President declared the presence of a quorum.

At the request of Senator Weld, unanimous consent being granted, Senator Weld offered the following resolution from the floor:

**Senate Resolution 1**—Raising a committee to notify the House of Delegates that the Senate has assembled in regular session.

*Resolved by the Senate:*

That a committee of three be appointed by the President to inform the House of Delegates that the Senate has assembled in regular sixty-day session, with a quorum present, and is ready to proceed with the business of this regular session.

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

Whereupon, the President appointed as members of such committee, the following:

Senators Nelson, Phillips, and Beach.

Subsequently, Senator Nelson reported that the committee had performed the duty assigned to it.

The first message this session from the House of Delegates, by

Delegates Queen, Storch, and Boggs, announced that the House of Delegates has assembled, with a quorum present, and is ready to proceed with the business of this second regular session of the eighty-fifth Legislature.

At the request of Senator Weld, unanimous consent being granted, Senator Weld offered the following resolution from the floor:

**Senate Resolution 2**—Providing for the appointment of a committee to inform the Governor that the Legislature has assembled in regular session.



*Resolved by the Senate:*

That a committee of three on the part of the Senate be appointed by the President, to join with a similar committee on the part of the House of Delegates, to notify His Excellency, the Governor, that the Legislature has assembled in regular sixty-day session, with a quorum of each house present, and is ready to receive any communication or message that he may desire to present.

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

Whereupon, the President appointed as members of such committee, the following:

Senators Sypolt, Roberts, and Plymale.

A message from the House of Delegates, by

Delegates Pack, Tully, and Lovejoy, announced that the Speaker had appointed them a committee of three to join with a similar committee on the part of the Senate under the provisions of Senate Resolution 2 to wait upon the Governor. Senate and House members of this select committee then proceeded to the executive offices.

Subsequently, Senator Sypolt reported that the joint Senate and House committee had performed the duty assigned to it.

At the request of Senator Weld, unanimous consent being granted, Senator Tarr offered the following resolution from the floor:

**Senate Resolution 3**—Authorizing the appointment of permanent and per diem employees for the Second Regular Session of the Eighty-Fifth Legislature and payment of their compensation.

*Resolved by the Senate:*

That the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate is hereby

authorized to appoint employees to receive the per diem compensation, as herein provided, during this regular sixty-day session of the Eighty-Fifth Legislature, and any extension thereof as follows:

Up to thirty Class I administrative assistants at a rate of eighty dollars per diem to one hundred ten dollars per diem;

Up to four Class II administrative assistants at a rate of eighty dollars per diem to one hundred twenty dollars per diem;

Up to five legislative analysts at a rate of eighty dollars per diem to two hundred dollars per diem;

Up to ten legal counselors at a rate of two hundred five dollars per diem to four hundred dollars per diem; assignments and salary to be determined by the presiding officer of the Senate;

One Bill Clerk at a rate of eighty dollars per diem to one hundred dollars per diem;

Up to four proofreaders at a rate of eighty dollars per diem to one hundred ten dollars per diem;

One Page Program Coordinator at a rate of eighty dollars per diem to one hundred dollars per diem;

One Sergeant at Arms at a rate not to exceed one hundred fifty dollars per diem;

Up to two assistants to the Sergeant at Arms at a rate of eighty dollars per diem to one hundred dollars per diem;

One Doorkeeper at a rate not to exceed one hundred fifty dollars per diem;

Up to six assistants to the Doorkeeper at a rate of eighty dollars per diem to one hundred dollars per diem;

Up to three mail clerks at a rate of eighty dollars per diem to one hundred dollars per diem;

Two night custodians at a rate of eighty to eighty-five dollars per diem;

The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such per diem staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by this Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the presiding officer of the Senate. In all such cases, the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to supervise and dismiss such staff personnel; and, be it

*Further Resolved*, That the appointment of salaried full-time employees of the Senate for the year two thousand twenty and their compensation, at the following amounts per month, for such periods of time as they are employed in the positions designated, is hereby authorized, as follows:

Clerk .....	8,083.33
Assistant Clerk.....	6,213.27
Executive Assistant to Clerk.....	4,166.67
Fiscal Officer .....	5,702.50
Fiscal Officer .....	5,702.50
Director of Technology.....	6,250.00
Chief Journal Clerk.....	5,125.77
Bill History Clerk .....	3,710.83
Clerk to Minor Committees .....	3,905.83

Counsel to President .....	10,000.00
Executive Assistant to President.....	7,460.84
Director of Communications .....	6,840.00
Parliamentarian .....	5,460.83
Executive Assistant to Majority Leader .....	4,780.83
Counsel to Minority Leader.....	6,583.33
Administrative Assistant to Minority Leader .....	3,416.67
Counsel to Education Committee .....	7,666.17
Clerk/Analyst to Education Committee.....	3,905.83
Administrative Assistant to Education Committee.....	2,833.33
Counsel to Finance Committee.....	8,030.83
Budget Policy Analyst to Finance Committee.....	5,833.33
Budget Analyst to Finance Committee .....	3,458.33
Assistant to Finance Chairman/Clerk .....	4,166.67
Counsel to Government Organization .....	7,739.17
Clerk to Government Organization Committee.....	3,989.17
Admin. Assistant to Government Organization Committee .....	4,166.67
Counsel to Health and Human Resources Committee ....	7,322.50
Admin. Asst. to Health and Human Resources Committee.....	3,044.17
Counsel to Judiciary Committee.....	7,405.83
Clerk/Analyst to Judiciary Committee .....	4,166.67

Supervisor, Materials & Supplies .....	4,843.33
Mail Clerk.....	2,627.50
Custodian .....	2,732.02

The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such full-time staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by this Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the presiding officer of the Senate. In all such cases, the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to supervise and dismiss such staff personnel.

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

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

The Senate then proceeded to the sixth order of business.

The following bills were introduced and read by their titles:

**By Senator Blair (Mr. President):**

**Senate Bill 1**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-61-1, §33-61-2, §33-61-3, §33-61-4, §33-61-5, §33-61-6, §33-61-7, §33-61-8, §33-61-9, and §33-61-10, all relating to creating the Mining Mutual Insurance Company; providing for the scope of the company; providing for findings and a purpose for the company; creating definitions; laying out the authorization for the company,

as well as establishing requirements and limitations for the company; providing for governance and organization of the company; providing for management and administration of the company; creating an application for licensure with the company and establishing the authority of the commissioner; providing for initial capital and surplus; authorizing types of coverage and definition discretionary participation in the company; and setting forth applicable law.

Referred to the Committee on Finance.

**By Senator Takubo:**

**Senate Bill 2**—A Bill to amend and reenact §21A-2D-1, §21A-2D-2, and §21A-2D-3, of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §21A-2D-6A; to amend said code by adding thereto a new article, designated §21A-3-1, §21A-3-2, and §21A-3-3; and to amend and reenact §21A-6-10 of said code, all relating to unemployment benefits program; adding definition of "state average unemployment rate" and making technical changes to definitions; increasing requirements to verify claim program integrity; providing for automatic eligibility review in certain circumstances; redesignating code sections; establishing formula to correlate duration of benefits to unemployment rate; providing for rulemaking; setting effective date; and reducing period of maximum duration of benefits.

Referred to the Committee on the Judiciary.

**By Senator Takubo:**

**Senate Bill 3**—A Bill to amend and reenact §21A-6-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21A-6-1d, all relating to eligibility for unemployment benefits; requiring work search activities to qualify for unemployment benefits; defining what constitutes work search activities; mandating submittal of proof of work search activities; providing for verification of work search activities; granting commissioner of Workforce West Virginia discretion in verification of work search activities; mandating establishment of process to refer individuals seeking

unemployment benefits to job opportunities; requiring individuals receiving referrals to suitable work to apply for and accept that work; mandating employers to report refusal of offer of employment to commissioner; allowing individuals who accept part-time non-suitable employment to receive unemployment benefits without reduction for wages under certain circumstances; making certain individuals applying for or receiving unemployment benefits exempt from work search requirements; establishing process for notification of work search activity requirements; requiring rulemaking; and setting effective date.

Referred to the Committee on Finance.

**By Senator Takubo:**

**Senate Bill 4**—A Bill to repeal §16-27A-1 and §16-27A-2 of the Code of West Virginia, 1931, as amended, relating to a ban on construction of nuclear power plants.

Referred to the Committee on Economic Development.

**By Senator Swope:**

**Senate Bill 5**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-18; to amend and reenact §17-2A-19a of said code; and to amend and reenact §61-16-2 of said code, all relating generally to unmanned aircraft systems; establishing the West Virginia Unmanned Aircraft Systems Advisory Council; clarifying the ability of a county or municipality to lease space above a public road under its control; and recognizing ownership of certain air space above lands and waters of the state.

Referred to the Committee on Economic Development.

**By Senator Trump:**

**Senate Bill 6**—A Bill to amend and reenact §31B-3-303 of the Code of West Virginia, 1931, as amended, relating to establishing that the intent and policy of the Legislature is that common law corporate "veil piercing" claims may not be used to impose personal liability on a member or manager of a limited liability company; and nullifying the Supreme Court of Appeals of West

Virginia's decision in *Joseph Kubican v. The Tavern, LLC*. 232 W.Va. 268, 752 S.E.2d 299 (2013).

Referred to the Committee on the Judiciary.

**By Senators Azinger and Trump:**

**Senate Bill 7**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to damages for medical monitoring; establishing requirements for an order for payment of medical monitoring expenses; providing that an increased risk of disease is not a compensable basis for damages in any civil action; providing that, where awarded, payment of medical monitoring expenses shall not be paid to a prevailing plaintiff until the procedure is completed; requiring that, where awarded, defendants pay medical monitoring expenses into a fund established by the court for that purpose; and providing for the return of any money remaining in the fund after medical monitoring is no longer required to the defendants.

Referred to the Committee on the Judiciary.

**By Senator Grady:**

**Senate Bill 8**—A Bill to repeal §18-30-6a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §12-9-1, §12-9-2, and §12-9-3; to amend and reenact §18-30-1, §18-30-2, §18-30-3, §18-30-4, §18-30-5, §18-30-6, §18-30-8, §18-30-10, §18-30-11, and §18-30-13 of said code; to amend said code by adding thereto a new section, designated §18-30-3a; and to amend and reenact §18-30A-2, §18-30A-3, §18-30A-5, §18-30A-6, §18-30A-8, and §18-30A-9 of said code, all relating generally to the state's savings and investment programs; continuing the Savings and Investment Program Fulfillment Fund and relocating provisions authorizing said fund to a new article of code; clarifying that moneys in the fund may be used for certain savings and investment programs; updating the West Virginia College Prepaid Tuition and Savings Program Act to reflect the termination of the Prepaid Higher Education Program, Plan, and Trust Fund; eliminating obsolete language related to the Prepaid Tuition Program; providing a short title; defining terms; setting forth legislative findings and rules of statutory construction;



continuing the West Virginia College Savings Program; continuing the Board of the College Prepaid Tuition and Savings Program and redesignating the board as the Board of Trustees of the West Virginia College and Jumpstart Savings Programs; clarifying that the board is a public instrumentality of the state and the issuer of interests in the Savings Plan Trust; increasing the number of board members; establishing qualifications of certain board members; establishing the duties and powers of the board with regard to the College Savings Program; authorizing the board to use financial organizations as program depositories and managers and providing requirements therefor; continuing the College Prepaid Tuition and Savings Program Administrative Account and redesignating said account as the College and Jumpstart Savings Administrative Account; authorizing certain expenditures from the administrative account; providing that the administrative account is a nonappropriated special revenue account; authorizing the board to take action to satisfy outstanding obligations of the Prepaid Tuition Trust Plan arising after the Plan's closure; continuing the Prepaid Tuition Plan escrow fund; continuing the board's authority to maintain a certain amount in the escrow fund for up to 10 years; continuing the board's authorization to expend moneys from the escrow fund in certain circumstances; requiring the board to invest the moneys in the escrow fund; providing for closure of escrow fund; setting forth legislative findings and rules of statutory construction related to the Jumpstart Savings Program; defining terms; eliminating the West Virginia Jumpstart Savings Board; requiring the Board of Trustees of the West Virginia College and Jumpstart Savings Board to administer the Jumpstart Savings Program; establishing the powers of the Board of Trustees of the West Virginia College and Jumpstart Savings Programs to implement and administer the Jumpstart Savings Program; authorizing the board to enter into agreements with agencies, subdivisions, or other states regarding programs that are substantially similar to the Jumpstart Savings Program; providing that the Jumpstart Savings Program Trust is a public instrumentality of the state and shall issue interests in said trust to eligible members of the public; eliminating the Jumpstart Savings Expense Fund; providing that fees, charges, and penalties collected by the board in administering the Jumpstart Savings Program shall

be deposited in the College and Jumpstart Savings Administrative Account; making Jumpstart Savings Program expenses payable from the administrative account; eliminating inapplicable language relating to selecting financial institutions to provide services for the Jumpstart Savings Program based on existing state purchasing exemption; specifying that the board may enter into a contract with financial institutions to provide services to both the College Savings and Jumpstart Savings programs; eliminating requirement that board take custody of Jumpstart Savings accounts prior to transferring accounts to a new program manager; and making numerous technical corrections.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 8 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard,

Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 8) passed with its title.

Senator Weld moved that the bill take effect from passage.

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

The nays were: None.

Absent: Rucker and Takubo—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 8) takes effect from passage.

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

**By Senator Romano:**

**Senate Bill 9**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1 and §9-11-2, all relating to providing continued eligibility for developmental disability services to dependents of military service members; defining terms; establishing dependents retention of rights for developmental disability services provided conditions are met; providing dependents be placed on waiting list for services; establishing a process to reestablish services for dependent upon

return to state; prohibiting payment for services rendered outside state; and providing for rulemaking.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 9 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Trump—1.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 9) passed with its title.

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

**By Senator Sypolt:**

**Senate Bill 10**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-33c, relating to West Virginia University Rifle Team electronic application donation program; including solicitation for voluntary donation to West Virginia University Rifle Team on electronic application for hunting or fishing license; providing opportunity to designate donation in any amount; creating special account; establishing funding sources; specifying terms for expenditures; authorizing disbursements and administrative fee; and requiring annual reports.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 10 was then read a third time and put upon its passage.

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

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 10) passed with its title.

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

**By Senator Lindsay:**

**Senate Bill 11**—A Bill to amend and reenact §51-9-1a of the Code of West Virginia, 1931, as amended, relating to inclusion of family court judges in the Judges' Retirement System.

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

**By Senator Lindsay:**

**Senate Bill 12**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-20, relating to creating the Patient Safety and Transparency Act.

Referred to the Committee on Health and Human Resources.

**By Senator Jeffries:**

**Senate Bill 13**—A Bill to amend and reenact §8-10-2b of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-3-3c of said code; and to amend and reenact §62-4-17 of said

code, all relating to eliminating the ability of a person's driver's license to be suspended for failure to pay court fines and costs.

Referred to the Committee on the Judiciary.

**By Senator Woelfel:**

**Senate Bill 14**—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to permitting member private and parochial schools to enter into an agreement with member public schools to permit students of private and parochial schools to participate in athletic and other extracurricular activities as a participant of the public school; defining terms; and providing eligibility criteria for students from member private and parochial schools.

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

**By Senator Caputo:**

**Senate Bill 15**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16A-17-1, §16A-17-2, §16A-17-3, §16A-17-4, §16A-17-5, §16A-17-6, §16A-17-7, §16A-17-8, and §16A-17-9, all relating to legalizing cannabis production, sales, and adult consumption; providing legislative purpose and findings; defining terms; legalizing the possession of one ounce or less of cannabis and cannabis products by adults; authorizing production, sales, transfer, and transport of cannabis upon passing county referendums; providing procedure for county commissions to authorize county referendum on legislation of production and sales; establishing mechanisms for permitting and licensing production and sales facilities by the Bureau for Public Health and localities; authorizing the Bureau for Public Health to promulgate rules, establish licensing, and administrative penalties relating to the production, sales, transfer, and transport of cannabis in authorizing counties; authorizing the Department of Revenue to promulgate rules and administer tax collections; authorizing localities to regulate manufacturing and sales locations; authorizing a special excise tax on cannabis; creating a new fund and dedicating proceeds of the fund; authorizing county local sales tax to be

collected and used for the benefit of county and municipal governments; providing current laws relating to employment, vehicle operation, underage use, or private property use preserved; and establishing that the operation of this article is not intended to alter the West Virginia Medical Cannabis Act.

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

**By Senator Romano:**

**Senate Bill 16**—A Bill to amend and reenact §3-2-6 of the Code of West Virginia, 1931, as amended, relating to allowing voters who register in person at the office of the county clerk to register and vote during early in-person voting.

Referred to the Committee on the Judiciary.

**By Senator Romano:**

**Senate Bill 17**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5D-6, relating to establishing the Summer Feeding for All Program; providing findings; directing a county-by-county assessment of non-school-day student initiative; food insecurities; empowering county school boards to develop initiatives and programs for feeding students in need during summer and other non-school time periods; providing county board reporting requirements to the Office of Child Nutrition; and directing the Office of Child Nutrition to collect and distribute information regarding available food resources.

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

**By Senator Romano:**

**Senate Bill 18**—A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to providing pay raises to public school teachers.

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



**By Senator Romano:**

**Senate Bill 19**—A Bill to repeal §17A-10-3c of the Code of West Virginia, 1931, as amended, relating to additional registration fees for alternative fuel vehicles.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Romano:**

**Senate Bill 20**—A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to creating an online voters' guide; requiring all information in the certificate of announcement; permitting candidates running for statewide office to submit a personal statement; directing the State Election Committee to create the guide; and requiring the Secretary of State post the voters' guide on its website.

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

**By Senators Clements, Martin, Roberts, and Rucker:**

**Senate Bill 21**—A Bill to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, relating to the school aid formula; and changing the minimum enrollment to 1,200 students in each county.

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

**By Senators Roberts and Trump:**

**Senate Bill 22**—A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempt property from taxation used exclusively for divine worship and the operation of a pre-K school, primary school, middle school, secondary school, daycare center, or church camp for children, which school, daycare center, or church camp is operated by the church which owns the property or is operated by another not-for-profit organization or entity; and providing that motor vehicles subject to a lease for at least one year by the United States, the state, any county, municipality, political subdivision, college or

university of this state and used for public purposes is deemed public property and exempt from ad valorem taxation.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 22 was then read a third time and put upon its passage.

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

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 22) passed with its title.

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

**By Senators Rucker, Azinger, Boley, Grady, Karnes, Maynard, Phillips, Smith, Sypolt, and Woodrum:**

**Senate Bill 23**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-65-1, §16-65-2, §16-65-3, §16-65-4, and §16-65-5, all relating to the prohibition of mandatory COVID-19 vaccinations for West Virginia residents; providing for definitions; generally prohibiting governmental entities from mandating the COVID-19 vaccine; prohibiting the requirement of mandatory vaccine passports; and providing for certain exceptions and clarifications.

Referred to the Committee on Health and Human Resources.

**By Senator Karnes:**

**Senate Bill 24**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3, §5-11C-4, and §5-11C-5, all relating to establishing the West Virginia Freedom of Conscience Protection Act; ensuring that, in all cases where state action burdens the exercise of religion, strict scrutiny is applied; providing a claim or defense to a person or persons whose exercise of religion is burdened by state action; providing a short title; providing definitions; and addressing applicability, construction, remedies, and severability.

Referred to the Committee on the Judiciary.

**By Senator Takubo:**

**Senate Bill 25**—A Bill to amend and reenact §55-7B-6 of the Code of West Virginia, 1931, as amended, relating to the prerequisites for filing suit against a health care provider under the Medical Professional Liability Act; modifying the time frame for providing a statement of intent to provide a screening certificate of

merit; updating the tolling of the statute of limitations applicable to a cause of action against a nursing home, assisted living facility, or their related entities or employees; and clarifying that a health care provider who executes a screening certificate of merit shall be subject to deposition upon request.

Referred to the Committee on the Judiciary.

**By Senator Hamilton:**

**Senate Bill 26**—A Bill to repeal §47-19-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §47-19-1, §47-19-3, §47-19-4, and §47-19-5 of said code; and to amend and reenact §60A-4-403a of said code, all relating to licenses to sell paraphernalia for use with controlled substances; terminating the Tax Commissioner's authority to issue business licenses to sell paraphernalia for use with controlled substances; revoking licenses previously issued by the Tax Commissioner; clarifying the definition of "drug paraphernalia"; requiring the continued retention of transaction records after the revocation of licensed authority; providing rule-making authority; providing effective date; providing criminal offense elements; and providing for criminal penalties.

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

**By Senator Nelson:**

**Senate Bill 27**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-15D-1, §31-15D-2, §31-15D-3, §31-15D-4, §31-15D-5, §31-15D-6, and §31-15D-7; and to amend said code by adding thereto a new section, designated §33-3-14e, all relating to establishing a West Virginia business growth in low-income communities tax credit; providing title; defining terms; establishing amount of credit allowed; transferability; certification of qualified equity investment; recapture of tax credits; notice of noncompliance; letter rulings; new capital requirement; and reporting.

Referred to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 28**—A Bill to amend and reenact §11-21-71b of the Code of West Virginia, 1931, as amended, relating to allowing the Tax Commissioner to process certain early refunds; and providing a certain effective date.

Referred to the Committee on Finance.

**By Senator Swope:**

**Senate Bill 29**—A Bill to amend and reenact §50-3-2 of the Code of West Virginia, 1931, as amended, relating to providing a fee for the processing of criminal bonds.

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

**By Senator Clements:**

**Senate Bill 30**—A Bill to amend and reenact §54-2-12, §54-2-13, §54-2-14, §54-2-14a, §54-2-15, §54-2-16, §54-2-18, and §54-2-21 of the Code of West Virginia, 1931, as amended, all relating to adjusting the interest rate to be paid in condemnation cases; changing the rate of interest from a fixed percentage to a floating rate tied to a federal discount rate; and updating language to meet modern legislative drafting standards.

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

**By Senator Smith:**

**Senate Bill 31**—A Bill to amend and reenact §11-19-2 of the Code of West Virginia, 1931, as amended, relating to redirecting excise tax revenue on bottled soft drinks from West Virginia University schools to the counties for the benefit of county law-enforcement agencies.

Referred to the Committee on Finance.

**By Senator Woelfel:**

**Senate Bill 32**—A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, all relating to permitting medical marijuana to be prescribed in edible

form; removing the restrictions that prevent medical marijuana from being prescribed in edible form; and providing restrictions related to the shape of the edible product.

Referred to the Committee on Health and Human Resources.

**By Senator Jeffries:**

**Senate Bill 33**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, and §46A-6O-6, all relating to automatic purchase renewal offers and continuous service offers; stating legislative intent; defining terms; setting notice and disclosure requirements for automatic purchase renewal offers and continuous service offers; providing that a business may not charge the consumer for an automatic renewal or continuous services without first obtaining the consumer's affirmative consent; providing acknowledgement requirements; providing that a business shall disclose how to cancel the automatic renewal or continuous service before the consumer pays if the offer includes a free gift or trial; providing that a business shall provide certain mechanisms for cancellation of the automatic renewal or continuous offer in the acknowledgement; requiring a business to provide contact information to the consumer; providing means for terminating the automatic renewal or continuous service offer online; providing notice requirements in the case of material changes in the terms of the automatic renewal or continuous service; providing that a business shall provide to the consumer a reminder of the recurring charge and information on how the consumer may cancel at least 30 days prior to the charge in the case of automatic renewal or continuous service offers of certain frequency; providing a period of application; providing that goods, wares, merchandise, or products shall be deemed an unconditional gift to the consumer when the business sends any goods, wares, merchandise, or products to a consumer without first obtaining the consumer's affirmative consent under a continuous service agreement or automatic renewal of a purchase; providing a civil cause of action; providing statutory penalties; providing that no action may be brought until written notice is provided by the consumer, or his or

her representative, to the business; providing written notice requirements; providing mailing requirements; providing the business an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for the business to remit payment, if any, as specified in the accepted cure offer; providing that a claim may be brought for failure of the business to timely effect the accepted cure offer; providing that the written notice is a jurisdictional prerequisite to bringing a cause of action; prohibiting certification of certain class action litigation; providing the court discretion to award plaintiff costs of the action, including reasonable attorney's fees; providing that plaintiff is not entitled to costs and attorney's fees under certain circumstances; providing a statute of limitations; providing that the statute of limitations shall be tolled; and stating exemptions.

Referred to the Committee on the Judiciary.

**By Senator Rucker:**

**Senate Bill 34**—A Bill to amend and reenact §3-1-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-2-2 of said code, all relating to residency requirements for people entitled to vote and people eligible to register to vote; requiring that a person be a legal resident of the state, county, or municipality in which he or she offers to vote; requiring that a person be a legal resident of the state or county in which he or she applies to register to vote; and defining the term "legal resident".

Referred to the Committee on the Judiciary.

**By Senator Rucker:**

**Senate Bill 35**—A Bill to amend and reenact §17C-5A-3 of the Code of West Virginia, 1931, as amended, relating to the addition of grievance and appellate procedures and judicial review for individuals participating in, or who have participated in, the Division of Motor Vehicles' Safety and Treatment Program; and authorizing the Commissioner of the Division of Motor Vehicles to promulgate a rule to add such procedures and judicial review for participants of the Safety and Treatment Program.

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

**By Senator Rucker:**

**Senate Bill 36**—A Bill to amend and reenact §11A-3-2 of the Code of West Virginia, 1931, as amended, relating to requiring the sheriff to send notices to the owners of record and to each resident or occupant of real property prior to selling the property for which property taxes have not been paid.

Referred to the Committee on Government Organization.

**By Senator Rucker:**

**Senate Bill 37**—A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to removing Hepatitis B vaccine from the list of compulsory immunizations.

Referred to the Committee on Health and Human Resources.

**By Senator Beach:**

**Senate Bill 38**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-29-1, §47-29-2, §47-29-3, and §47-29-4, all relating to menstrual product labeling; and providing a civil penalty.

Referred to the Committee on Health and Human Resources.

**By Senator Takubo:**

**Senate Bill 39**—A Bill to amend and reenact §55-7B-6 of the Code of West Virginia, 1931, as amended, relating to the prerequisites for filing suit against a health care provider under the Medical Professional Liability Act; modifying the time frame for providing a statement of intent to provide a screening certificate of merit; updating the tolling of the statute of limitations applicable to a cause of action against a nursing home, assisted living facility, or their related entities or employees; and clarifying that a health care provider who executes a screening certificate of merit may be subject to deposition upon request.

Referred to the Committee on the Judiciary.



**By Senator Stollings:**

**Senate Bill 40**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-8b; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3ii; to amend said code by adding thereto a new section, designated §33-24-7x; to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating to prohibiting insurance coverage from requiring prior authorization for physician-prescribed tests to stage cancer.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 40 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady,

Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 40) passed with its title.

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

**By Senator Karnes:**

**Senate Bill 41**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-28-8, relating to allowing any private, parochial, or church school with an enrollment of 25 or fewer students to operate as a nonpublic micro-school; requiring micro-school to be governed by a governing board; requiring annual notification to the county board of operation as a micro-school; declaring that attendance at a micro-school complying with certain requirements satisfies compulsory school attendance; requiring annual academic assessment of students; requiring micro-school to provide certain information to the county superintendent upon request; requiring attendance and academic records for each student to be made and maintained; imposing certain requirements on micro-schools pertaining to curriculum objectives, the provision of an instructional program, and the provision of an individualized progress report; setting forth consequences for composite test and portfolio assessment results falling below the fourth stanine; requiring any child enrolled in a micro-school that fails to meet certain requirements to satisfy homeschool exemption requirements; and declaring that no micro-school meeting certain requirements is subject to any other law relating to education.

Referred to the Committee on Education.

**By Senator Karnes:**

**Senate Bill 42**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-14, relating to permitting members of public retirement plans to cash out of their plans by opting to receive, in lieu of regular benefit payments, the total cash value of those benefits.

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

**By Senator Karnes:**

**Senate Bill 43**—A Bill to amend and reenact §16-3-10 of the Code of West Virginia, 1931, as amended, relating to clarifying the rights of a parent or legal guardian in declining specific required medication administered to a child at birth; permitting parents or legal guardians of newborn children to refuse certain medication that has been mandated for newborns; requiring that parents and legal guardians be made aware of the dangers of not receiving the otherwise required medication; providing for notation in medical records; providing for limitation of liability; prohibiting a refusal by the parents or legal guardian from being admissible in certain legal actions or investigations of those parents or legal guardians; and prohibiting discipline or penalties to certain health care professionals when a parent or legal guardian has refused or declined the otherwise mandated medication.

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

**By Senator Hamilton:**

**Senate Bill 44**—A Bill to amend and reenact §15A-11-5 of the Code of West Virginia, 1931, as amended, relating to requiring the State Fire Commission to propose rules relating specifically to sprinkler protection for basements exceeding 2,500 square feet in new buildings and new buildings housing emergency fire, rescue, or ambulance services; and exempting emergency services buildings that only house equipment and do not have sleeping areas or quarters within them.

Referred to the Committee on Government Organization.

**By Senator Karnes:**

**Senate Bill 45**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-9b; to amend said code by adding thereto a new section, designated §11B-2-33; and to amend said code by adding thereto a new section, designated §18-2-44, all relating to prohibiting discriminatory "divisive acts" in the workplace and adding to the definition of the Human Rights Act; prohibiting the teaching of "divisive acts" in West Virginia schools; and prohibiting state funding to agencies that promote "divisive acts".

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

**By Senator Nelson:**

**Senate Bill 46**—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exemptions from personal income tax; providing for an exemption for members of certain uniformed services; exempting Social Security benefits from personal income tax; clarifying that tier one railroad retirement benefits are not subject to personal income tax; specifying an effective date; and removing obsolete language.

Referred to the Committee on Finance.

**By Senator Hamilton:**

**Senate Bill 47**—A Bill to amend and reenact §60A-4-401, §60A-4-407, and §60A-4-407a of the Code of West Virginia, 1931, as amended, all relating to establishing the criminal offense of using or being under the influence of a controlled substance unless obtained directly from, or pursuant to, a valid prescription or order of a practitioner; providing criminal penalties for violation; providing for conditional discharge of offense for first violation; and providing additional conditions for authorizing additional requirements to obtain a final order of discharge and dismissal.

Referred to the Committee on the Judiciary.

**By Senator Clements:**

**Senate Bill 48**—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 Government Organization.

**By Senator Caputo:**

**Senate Bill 49**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9A-1-10a, relating to paying a monthly allotment to certain veterans.

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

**By Senator Woodrum:**

**Senate Bill 50**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1 and §7-28-2; and to amend and reenact §11-10-11c of said code, all relating generally to the authorization and administration of county sales and use taxes; setting forth legislative intent; providing counties with authority to impose a county sales and use tax of up to one percent under certain circumstances; clarifying that a county sales and use tax does not apply to incorporated areas of the county; requiring counties imposing a county sales tax to use the services of the Tax Commissioner to administer the tax; and setting forth administrative procedures for the collection and administration of the tax.

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

**By Senator Rucker:**

**Senate Bill 51**—A Bill to amend and reenact §11-13X-3, §11-13X-4, §11-13X-5, §11-13X-6, §11-13X-8, §11-13X-11, §11-13X-12, and §11-13X-13 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Film Industry Investment Act; reinstating the film investment tax credit; providing the coordination and management by the West Virginia Development Office; defining "Development Office" and "multi-state distribution"; excluding short-term depreciation from credit;

raising the minimum threshold of cumulative annual expenditures necessary to qualify for credit; establishing an annual limit in credits available; requiring the Development Office to develop a database of locations, music, and other resources to be made available to film production teams; providing Development Office discretion to determine if project negatively portrays West Virginia; requiring state agencies to solicit bids from West Virginia vendors for film or video projects if available; and giving retroactive effect to Film Investment Tax Credit Program.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senator Phillips:**

**Senate Bill 52**—A Bill to amend and reenact §8-29A-3 of the Code of West Virginia, 1931, as amended, relating to prohibiting county airport authorities from making or adopting rules prohibiting possession of firearms in public, nonsecure areas.

Referred to the Committee on the Judiciary.

**By Senator Hamilton:**

**Senate Bill 53**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-10-5a, relating to requiring one-year residency within the district or county prior to appointment to fill a vacancy to a seat in the Legislature.

Referred to the Committee on the Judiciary.

**By Senator Hamilton:**

**Senate Bill 54**—A Bill to amend and reenact §3-8-2b of the Code of West Virginia, 1931, as amended, relating to requiring a political action committee to disclose the names and addresses of its contributors to the Secretary of State.

Referred to the Committee on the Judiciary.

**By Senator Hamilton:**

**Senate Bill 55**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-22-803, relating to adoption records; authorizing adult adoptees access to certain records, including adoption records and

medical history; requiring birth parents to provide certain health information; allowing birth parents to designate a contact preference and allowing them to provide certain information; allowing birth parents to request name redaction; providing for a name redacting process; directing the Department of Health and Human Resources to administer records, require additional information, and charge a reasonable fee; providing a procedure for the collection and dissemination of information; providing for the tracking of information and reporting to the Legislative Oversight Commission on Health and Human Resources Accountability; and authorizing the Department of Health and Human Resources to promulgate legislative rules.

Referred to the Committee on Health and Human Resources.

**By Senator Smith:**

**Senate Bill 56**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-10A-1, §22-10A-2, §22-10A-3, §22-10A-4, §22-10A-5, §22-10A-6, §22-10A-7, §22-10A-8, §22-10A-9, and §22-10A-10, all relating to creating the Orphan Oil and Gas Well Prevention Act; providing for a short title; providing for legislative findings and declarations; providing for restrictions to permit oil and natural gas wells, certain prohibitions, and requiring plugging assurance requirements; providing for limitations on the transfer of wells; providing for responsibility of previous operators to plug transferred wells; providing for different methods for operators to provide plugging assurance of wells, including for wells not producing in paying quantities; providing administrative and management responsibilities for the chief of the Office of Oil and Gas and the State Treasurer regarding plugging assurance funds; providing clarifications regarding the duties of mineral and surface owners; providing for rule-making authority and severability; and providing an effective date.

Referred to the Committee on Energy, Industry, and Mining.

**By Senator Smith:**

**Senate Bill 57**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-6c; to amend said code by adding thereto a new section, designated §17-3-11; and to amend said code by adding thereto a

new article, designated §17-30-1, §17-30-2, §17-30-3, §17-30-4, and §17-30-5, all relating generally to enhancing maintenance and repair of the state's roads and highways; establishing roads accountability and transparency; directing the State Auditor to develop and maintain a searchable website of funding actions and expenditures relating to state and public roads; setting forth the minimum content to be contained in the website; directing the Commissioner of the Division of Highways to provide information and data to the State Auditor; requiring an annual update to the Joint Committee on Government and Finance; creating the Special Road Repair Fund as a subaccount of the State Road Fund; authorizing the commissioner to transfer certain funds into the subaccount for certain purposes; creating the Enhanced Road Repair and Maintenance Program; stating legislative findings and purpose of program; requiring Division of Highways county supervisors consult with county commissions and legislators to submit project requests to the Division of Highways; setting forth a funding formula; setting forth requirements concerning bidding, vendors, and contracts with private vendors; specifying uses of Special Road Repair Fund; defining terms; providing requirements for Commissioner of the Division of Highways and districts; requiring for rulemaking; and requiring reporting by Division of Highways and Legislative Auditor.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Caputo:**

**Senate Bill 58**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-11G-1, relating to requiring exhibitors of motion pictures who operate two or more theaters in more than one location in this state to provide open captioning during at least two showings per week of each motion picture that is produced and offered with open captioning; and requiring, when requested, audio description be provided for any motion picture that is produced and offered with audio description.

Referred to the Committee on Economic Development; and then to the Committee on the Judiciary.



**By Senator Jeffries:**

**Senate Bill 59**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-1-16 and §16-1-16a, all relating to social determinants of health; establishing the Minority Health Advisory Team, including its composition and duties; authorizing a Community Health Equity Initiative Demonstration Project; authorizing the Commissioner of the Bureau for Public Health to establish a Community Health Equity Initiative Demonstration Project; establishing eligibility requirements; providing for the administration of the demonstration project; establishing requirements for a demonstration project plan and the selection of communities for participation; establishing reporting requirements; and establishing the date on which the demonstration project terminates.

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

**By Senator Beach:**

**Senate Bill 60**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7g, relating to allowing the State Board of Education to develop a program of instruction in family and consumer sciences, or specific subjects within family and consumer sciences, that may be integrated into the curriculum for students in secondary schools.

Referred to the Committee on Education.

**By Senator Karnes:**

**Senate Bill 61**—A Bill to amend and reenact §5-10-29 and §5-10-32 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-7 of said code; to amend and reenact §8-22A-8 of said code; to amend and reenact §15-2-26 of said code; to amend and reenact §15-2A-5 of said code; to amend and reenact §16-5V-8 of said code; to amend and reenact §18-7A-14 of said code; and to amend and reenact §51-9-2 and §51-9-4 of said code, all relating to establishing a pension contribution holiday for plans administered by the Consolidated Public Retirement Board when funding for certain public retirement plans.

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

**By Senator Smith:**

**Senate Bill 62**—A Bill to amend and reenact §46A-6B-3 of the Code of West Virginia, 1931, as amended, relating to the use of aftermarket crash parts by a motor vehicle repair shop; and requiring new original equipment parts be used in order to maintain the manufacturer's warranty.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Smith:**

**Senate Bill 63**—A Bill to amend and reenact §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to pollution control facilities tax treatment; clarifying that wind power projects are not pollution control facilities for purposes of this article; and providing that wind power projects be taxed at the real property rate.

Referred to the Committee on Finance.

**By Senator Smith:**

**Senate Bill 64**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt, relating to allowing county commissions to impose an amusement tax.

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

**By Senator Smith:**

**Senate Bill 65**—A Bill to amend and reenact §20-2-5a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-2-5k, all relating to protecting albino deer; adding albino deer to list of animals to which forfeiture and additional replacement costs apply; defining terms; prohibiting hunting, capturing, killing, or destroying albino deer; providing exceptions; and providing criminal penalties.

Referred to the Committee on Natural Resources.

**By Senator Karnes:**

**Senate Bill 66**—A Bill to amend and reenact §17C-6-2 of the Code of West Virginia, 1931, as amended, relating to the establishment of an 80 miles per hour speed limit on interstate highways and four-lane limited access highways in this state; and providing an exception for portions of those highways passing through city limits.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Karnes:**

**Senate Bill 67**—A Bill to amend and reenact §59-3-1 of the Code of West Virginia, 1931, as amended, relating to requiring newspapers qualified to publish legal advertisements must accept advertisements for publication from political candidates without regard to content; and providing exceptions.

Referred to the Committee on the Judiciary.

**By Senator Karnes:**

**Senate Bill 68**—A Bill to amend and reenact §22-1-6 of the Code of West Virginia, 1931, as amended, relating to limiting employees of the Department of Environmental Protection from entering private lands for environmental protection purposes to only when there is probable cause to believe a violation exists on the property, a warrant has been obtained for the entry, or the express permission of the property owner has been granted.

Referred to the Committee on the Judiciary.

**By Senator Clements:**

**Senate Bill 69**—A Bill to amend and reenact §54-2-12, §54-2-13, §54-2-14, §54-2-14a, §54-2-15, §54-2-16, §54-2-18, and §54-2-21 of the Code of West Virginia, 1931, as amended, all relating to bringing the statutory interest rate to be paid in condemnation cases into conformity with current statutory rates; and making revisions to meet legislative standards.

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

**By Senator Smith:**

**Senate Bill 70**—A Bill to amend and reenact §23-4-15 of the Code of West Virginia, 1931, as amended, relating to clarifying that the time limitations provided for filing occupational pneumoconiosis claims do not apply or otherwise limit the ability of a claimant to obtain an evaluation from the Occupational Pneumoconiosis Board.

Referred to the Committee on Banking and Insurance.

**By Senator Swope:**

**Senate Bill 71**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5J-1, §21-5J-2, §21-5J-3, and §21-5J-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 72**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4; and to amend and reenact §21-1C-5 of said code, all relating to requiring certain documents that include records of wages be considered confidential; prohibiting governmental entity that requires private company contracting with, or seeking to contract with, a governmental entity for a construction project to submit any document that includes records of actual wages paid to employees from disclosing document or information contained therein to any other entity or person; permitting disclosure of such document or information to state or federal agency; providing that any such document containing records of actual wages paid to employees shall be considered confidential and proprietary and may not be considered a public record; defining "governmental entity"; defining contents of certified payroll document; providing that any

document containing records of actual wages paid to employees filed or submitted pursuant to the West Virginia Jobs Act may not be disclosed by the Division of Labor or a public authority to any other entity or person other than to a state or federal agency; and providing that any document submitted or filed pursuant to the West Virginia Jobs Act that includes records of actual wages paid to employees or information contained therein shall be considered confidential and proprietary and may not be considered a public record.

Referred to the Committee on the Workforce.

**By Senator Nelson:**

**Senate Bill 73**—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 a \$1,000 tax credit on the personal property tax of the graduate for five taxable years; providing rule-making authority to the Tax Commissioner; and removing expired language.

Referred to the Committee on Finance.

**By Senator Hamilton:**

**Senate Bill 74**—A Bill to amend and reenact §48-8-103 of the Code of West Virginia, 1931, as amended; to amend and reenact §48-14-107 of said code; to amend and reenact §48-18-105, §48-18-117, §48-18-118, §48-18-118a, §48-18-121, §48-18-124, §48-18-201, §48-18-202, §48-18-203, §48-18-204, §48-18-205, and §48-18-206 of said code; and to amend and reenact §61-5-29 of said code, all relating to spousal support enforcement; providing that parties may apply to Bureau for Child Support Enforcement to collect spousal support payments; requiring the court to direct that spousal support payments be directly paid to the Bureau for Child Support Enforcement upon application of party; authorizing the Bureau for Child Support Enforcement to collect spousal support from federal and state taxes; authorizing Bureau for Child Support Enforcement to obtain information from financial institution regarding spousal support obligations; allowing Bureau for Child Support Enforcement to assist parties in obtaining spousal support;

allowing Bureau for Child Support Enforcement to bring action before the court to obtain modification to support order; providing process within family court for the presentation of a proposal to modify spousal support; and creating criminal penalties for the failure to pay spousal support.

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

**By Senator Hamilton:**

**Senate Bill 75**—A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to requiring certain municipalities to pay for the incarceration of inmates arrested by the municipality's police.

Referred to the Committee on Government Organization.

**By Senator Phillips:**

**Senate Bill 76**—A Bill to amend and reenact §15-2-10 of the Code of West Virginia, 1931, as amended, relating to requiring the West Virginia State Police to provide medical and hospital coverage for an illness or injury received by a member while performing services in the line of duty.

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

**By Senator Stollings:**

**Senate Bill 77**—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 may park free at metered parking spaces in any municipality in the state.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 77 was then read a third time and put upon its passage.

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

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 77) passed with its title.

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

**By Senator Woelfel:**

**Senate Bill 78**—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 examination 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.

**By Senator Stollings:**

**Senate Bill 79**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13Q-10b, relating to authorizing a tax credit for business entities that invest in certain fresh food retailers located in underserved communities and similar areas.

Referred to the Committee on Finance.

**By Senator Caputo:**

**Senate Bill 80**—A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-16B-6e of said code; to amend and reenact §33-16-3v of said code; to amend and reenact §33-24-7k of said code; and to amend and reenact §33-25A-8j of said code, all relating to increasing the required insurance coverage for autism spectrum disorders.

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

**By Senator Caputo:**

**Senate Bill 81**—A Bill to repeal §21-5G-1, §21-5G-2, §21-5G-3, §21-5G-4, §21-5G-5, §21-5G-6, and §21-5G-7 of the Code of West Virginia, 1931, as amended, relating to worker affiliation with a labor organization.

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

**By Senator Phillips:**

**Senate Bill 82**—A Bill to amend and reenact §16-4C-4 of the Code of West Virginia, 1931, as amended, relating to requiring that the secretary appoint a Director of the Office of Emergency Medical Services.

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

**By Senator Stollings:**

**Senate Bill 83**—A Bill to amend and reenact §23-4-6a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §23-4-26, all relating to occupational pneumoconiosis; eliminating the prohibition on permanent partial disability awards based solely on a diagnosis of occupational pneumoconiosis; declaring that an employee with occupational pneumoconiosis without measurable pulmonary impairment shall be paid certain benefits; and requiring certain claimants to receive permanent partial disability awards that may later be offset from a future disability award.

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

**By Senator Woelfel:**

**Senate Bill 84**—A Bill to amend and reenact §5-10-2 and §5-10-52 of the Code of West Virginia, 1931, as amended, all relating to the manner of computing retirement benefits for certain members of the Legislature under the West Virginia Public Employees Retirement Act; and requiring that the final average salary for members of the Legislature taking office after June 30, 2022, and thereafter, participating in the retirement system as a member of the Legislature, be the average of the member's annual rate of compensation during his or her total years of credited service.

Referred to the Committee on Pensions.

**By Senator Woelfel:**

**Senate Bill 85**—A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to amending the penalty of simple possession of marijuana from a misdemeanor crime to a civil violation; and amending the penalties from those of a misdemeanor crime to a civil violation.

Referred to the Committee on the Judiciary.

**By Senator Woelfel:**

**Senate Bill 86**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8B-19, relating to creating a criminal offense of sexual extortion; and creating a criminal offense of sexual extortion by a person holding a position of trust, supervisory authority, or disciplinary power of another person.

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

**By Senator Phillips:**

**Senate Bill 87**—A Bill to amend and reenact §18B-1-3 and §18B-1-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4 of said code; to amend and reenact §18B-2A-4 of said code; to amend and reenact §18B-2B-6 of said code; and to amend said code by adding thereto a new section, designated §18B-4-5b, all relating to denying institutions of higher education the authority to restrict or regulate the carrying of a concealed deadly weapon by a person who holds a current license to carry a concealed deadly weapon; providing exceptions as to when regulation may occur; and designating these amendments as the Campus Self Defense Act.

Referred to the Committee on the Judiciary.

**By Senator Phillips:**

**Senate Bill 88**—A Bill to amend and reenact §22-30-3 of the Code of West Virginia, 1931, as amended, relating to altering the definition of "aboveground storage tank".

Referred to the Committee on the Judiciary.

**By Senator Romano:**

**Senate Bill 89**—A Bill to amend and reenact §33-3-33 of the Code of West Virginia, 1931, as amended, relating to surcharge on fire and casualty insurance policies for purpose of funding volunteer fire departments; providing that surcharge be increased to one percent beginning January 1, 2023; and deleting obsolete language.

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

**By Senator Romano:**

**Senate Bill 90**—A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to providing that the penalty for possession of marijuana carries a fine of no more than \$1,000 without confinement.

Referred to the Committee on the Judiciary.

**By Senator Rucker:**

**Senate Bill 91**—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing a special license plate to support adoption; and establishing fees.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 91 was then read a third time and put upon its passage.

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

The nays were: Beach, Brown, Caputo, and Romano—4.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 91) passed with its title.

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

**By Senator Smith:**

**Senate Bill 92**—A Bill to amend and reenact §62-12-9 of the Code of West Virginia, 1931, as amended, relating to requiring probationers who have served 10 or more years to participate in a work release program and spend six months in a work release center; and requiring that 70 percent of their earnings be held in an account and provided to them at the successful completion of the six-month period.

Referred to the Committee on the Judiciary.

**By Senator Smith:**

**Senate Bill 93**—A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to termination of parental rights; and requiring the Department of Health and Human Resources to file a petition to terminate parental rights when a parent has, on two separate occasions, had their child removed from their care and determined by a court to have subjected that child to abuse or neglect.

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

**By Senator Smith:**

**Senate Bill 94**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, §16-2Q-2, §16-2Q-3, §16-2Q-4, §16-2Q-5, §16-2Q-6, §16-2Q-7, §16-2Q-8, §16-2Q-9, §16-2Q-10, and §16-2Q-11, all relating to enacting the Fetal Heartbeat Act; prohibiting abortions when a fetal heartbeat is detected; providing that the article applies only to intrauterine pregnancies; providing exceptions; making findings; providing for severability; establishing standards, requirements, and procedures; requiring documentation; requiring notice and acknowledgments; establishing criminal penalties; permitting civil actions; defining terms; and providing for rulemaking.

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

**By Senator Smith:**

**Senate Bill 95**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29; to amend said code by adding thereto a new section, designated §26-5-2; and to amend said code by adding thereto a new section, designated §26-9-3, all relating to providing long-term care and substance abuse treatment; authorizing the Secretary of the Department of Health and Human Resources to modernize or build new facilities; requiring certified beds for long-term care and substance abuse treatment; requiring facilities for out-patient substance abuse treatment; requiring the hiring of adequate professional classified staff; and replacing an outdated reference to Pinecrest Hospital with the correct name of Jackie Withrow Hospital.

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

**By Senator Smith:**

**Senate Bill 96**—A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to requiring disclaimers on third-party, nongovernment solicitations of services

for filing business annual reports with the Secretary of State; and creating criminal and civil penalties.

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

**By Senator Hamilton:**

**Senate Bill 97**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-11A-15, relating to unfair trade practices; prohibiting pricing goods and services on the basis of gender; authorizing the Attorney General to seek injunctions against offenders; and imposing civil penalties.

Referred to the Committee on the Judiciary.

**By Senator Hamilton:**

**Senate Bill 98**—A Bill to amend and reenact §20-2-42i of the Code of West Virginia, 1931, as amended, relating to the Class LL nonresident fishing license; and providing it be valid for three consecutive days.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 98 was then read a third time and put upon its passage.

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

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 98) passed with its title.

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

**By Senator Hamilton:**

**Senate Bill 99**—A Bill to amend and reenact §20-2-42 of the Code of West Virginia, 1931, as amended, relating to indexing of license and stamp fees; and continuing the authority to index license and stamp fees.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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, Brown, Caputo, Clements, Geffert, Grady,



Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 99 was then read a third time and put upon its passage.

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

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 99) passed with its title.

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

**By Senator Nelson:**

**Senate Bill 100**—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 Nelson:**

**Senate Bill 101**—A Bill to amend and reenact §21-5D-2 and §21-5D-4 of the Code of West Virginia, 1931, as amended, all relating to paid or unpaid family leave time; granting a total of 12 weeks under the Parental Leave Act based on at least 12 consecutive months of performing services for remuneration within this state for any department, division, board, bureau, agency, commission, or other unit of state government, or any county board of education; and specifying conditions for which the leave time is granted.

Referred to the Committee on Finance.

**By Senator Clements:**

**Senate Bill 102**—A Bill to amend and reenact §17-3-2 of the Code of West Virginia, 1931, as amended, relating to the use of the State Road Fund for state road purposes.

Referred to the Committee on Finance.

**By Senator Caputo:**

**Senate Bill 103**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, relating to enacting the Closed Captioning Act; requiring public places that have televisions for use by the public to have at least one half of those televisions to have their closed captioning feature activated at all times; providing an exception; defining terms; and establishing an effective date.

Referred to the Committee on Government Organization.

**By Senator Clements:**

**Senate Bill 104**—A Bill to amend and reenact §11-14C-5 of the Code of West Virginia, 1931, as amended, relating to the motor fuel excise tax; creating an annual adjustment to the motor fuel

excise tax; and providing a mechanism for calculating the adjustment.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Clements:**

**Senate Bill 105**—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to returning the refundable exemption for road construction contractors to the State Road Fund; transferring revenues collected from the state's consumers sales and service tax and the state's use tax to the State Road Fund; and specifying the effective date.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Stollings:**

**Senate Bill 106**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §23-4D-1, §23-4D-2, §23-4D-3, §23-4D-4, §23-4D-5, and §23-4D-6, all relating to creating the West Virginia Black Lung Program; granting entitlement for pain and suffering for occupational pneumoconiosis; providing that 10 years' exposure as a miner is a conclusive presumption of entitlement to pain and suffering benefits; calculating benefits; providing tax credit for benefits; imposing additional severance tax and tax on generation of electricity by solar and wind devices; creating the State Black Lung Fund; requiring the Governor and Legislature to cooperate with other states to attempt to recoup the federal excise tax on coal; and proposing rules by the Insurance Commissioner and Tax Commissioner.

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

**By Senator Romano:**

**Senate Bill 107**—A Bill to amend and reenact §3-8-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-8-8a, all relating to

requiring certain disclosures of election expenditures; clarifying when contributions are required to be disclosed; creating exceptions; clarifying that certain federal entities must make certain state disclosures; requiring disclosure of covered transfers; stating legislative findings; defining terms; providing requirements for disclosure of donations related to the transfer of certain sums of money regarding campaign-related disbursements; requiring certain disclosures be made within 48 hours; specifying information required in the disclosures; clarifying the relationship between covered transfers and other regulated areas of election expenditures; creating a misdemeanor offense; and authorizing rulemaking.

Referred to the Committee on the Judiciary.

**By Senator Caputo:**

**Senate Bill 108**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, §21-5A-2, §21-5A-3, §21-5A-4, §21-5A-5, §21-5A-6, §21-5A-7, §21-5A-8, and §21-5A-9, all relating to reestablishing prevailing wages for certain state government contracts; declaring policy; defining terms; requiring contractors to ascertain rates and to include rates in contract specifications; requiring annual determinations of prevailing wage rates; establishing procedures to file objections to prevailing wage rate determinations; providing for hearings, judicial review, and appeal; requiring mandatory provisions in contracts and sub-contracts; providing for posting of rates and recordkeeping; establishing criminal penalties for violations of the act; and limiting the scope of the law to post-enactment contracts.

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

**By Senator Smith:**

**Senate Bill 109**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-10-1, relating to transferring child welfare enforcement responsibilities to the West Virginia State Police; transferring employees, funds, and property of the Department of Health and

Human Resources to the West Virginia State Police; providing that transferred employees remain in the Civil Service System, continue to participate in Public Employees Retirement System Insurance, and continue to be covered by the Public Employees Insurance Act; and requiring rulemaking.

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

**By Senator Swope:**

**Senate Bill 110**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5J-1, §21-5J-2, §21-5J-3, and §21-5J-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 Trump:**

**Senate Bill 111**—A Bill to amend and reenact §48-19-105 of the Code of West Virginia, 1931, as amended, relating to increasing minimum salaries for Bureau for Child Support Enforcement attorneys.

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

**By Senator Trump:**

**Senate Bill 112**—A Bill to amend and reenact §31B-3-303 of the Code of West Virginia, 1931, as amended, relating to establishing that the intent and policy of the Legislature is that common law corporate "veil piercing" claims may not be used to impose personal liability on a member or manager of a limited liability company; and nullifying the Supreme Court of Appeals of

West Virginia's decision in *Joseph Kubican v. The Tavern, LLC*. 232 W.Va. 268, 752 S.E.2d 299 (2013).

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 113**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-65-1, §16-65-2, and §16-65-3, all relating to authorizing the treatment of persistent symptoms of hypothyroidism as a similar but distinguishable disease from hypothyroidism; requiring insurers to provide coverage for care for persistent symptoms of hypothyroidism; and requiring the West Virginia Board of Medicine to notify all medical professionals of this legislation.

Referred to the Committee on Health and Human Resources.

**By Senator Hamilton:**

**Senate Bill 114**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-11-1, §5B-11-2, §5B-11-3, §5B-11-4, §5B-11-5, §5B-11-6, §5B-11-7, §5B-11-8, §5B-11-9, §5B-11-10, §5B-11-11, §5B-11-12, §5B-11-13, and §5B-11-14; and to amend said code by adding thereto a new article, designated §18-34-1 and §18-34-2, all relating to structuring the Electronic Telecommunication Open Infrastructure Act; conducting an inventory and developing coordinated deployment and operation of technology infrastructure within this state; definitions; legislative findings; technology infrastructure inventory, local government cooperation, inventory survey reporting requirements; rule-making authority of Secretary of Department of Administration; exemption from disclosure of confidential information; creating Joint Legislative Oversight Commission on Transportation and Infrastructure; powers and duties of the Secretary of Commerce; rule-making authority of Council for Community and Economic Development relating to secretary; study by secretary and inventory of management practices of technology and technology infrastructure; reporting requirements; providing technical and funding assistance to develop technology infrastructure; authorizing secretary to engage

in consulting services for fee; contractual and joint venture agreements; liberal construction of article; and utilizing broadband infrastructure, technology, and information to enhance early childhood development.

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

**By Senator Karnes:**

**Senate Bill 115**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-8-36, relating to allowing grocery stores to sell a certain amount of West Virginia-made wine without having a license to sell wine or liquor.

Referred to the Committee on the Judiciary.

**By Senator Karnes:**

**Senate Bill 116**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-22-26, relating to outdoor advertising regulated by the Commissioner of the Division of Highways; providing exemption to licensing requirement for a person to place signs, displays, or devices advertising events to be held no more frequently than once a year at locations other than where the event will be held; establishing the Temporary Sign Placement License Program; and requiring rulemaking.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Smith:**

**Senate Bill 117**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5k, relating to the assessment of a wildlife impact fee by the Director of the Division of Natural Resources on operators of wind power projects that injure or kill a protected species of animal.

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

**By Senator Sypolt:**

**Senate Bill 118**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-39-1, §19-39-2, §19-39-3, §19-39-4, §19-39-5, §19-39-6, §19-39-7, and §19-39-8, all relating to safe handling and marketing of dairy products; creating the West Virginia Farm Fresh Dairy Act; defining terms; establishing required sanitary milking and milk-handling practices; requiring registration and certain permits; exempting certain sales from licensure and certification; establishing administrative procedures and penalties; and providing for an effective date.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

**By Senator Smith:**

**Senate Bill 119**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-15-25; and to amend said code by adding thereto a new section, designated §61-3-45b, all relating to nonferrous metal sales and transportation to a secondary recycler; providing for definitions; providing for permits for secondary metals recyclers to purchase nonferrous metals; providing for permit requirements for fixed and nonfixed sites; providing that the Superintendent of the West Virginia State Police shall develop applications and permits; providing for a permit fee for secondary metals recyclers; providing that a secondary metals recycler permit to purchase nonferrous metals is valid for two years; providing for a permit for persons or entities to sell or transport nonferrous metals over the highways; providing a fee for a replacement permit for a lost or destroyed original permit; providing for record retention criteria; providing that a seller or transportation permit is valid for two years; providing for denial, revocation, or suspension of a permit for violations of law and for penalties; providing that only secondary metals recyclers can purchase nonferrous metals from persons or entities with a valid permit; providing that secondary metals recyclers shall retain records of all purchases of nonferrous metals; providing for record retention of at least one year; providing for a limit for secondary metals recyclers purchasing



nonferrous metals through cash transactions; providing for signage to be displayed; providing for penalties when a secondary metals recycler violates certain provisions; providing for limitations on selling nonferrous metals; providing for penalties for sellers violating certain provisions relating to selling nonferrous metals; providing for revocation of permits for secondary metals recyclers and sellers violating certain provisions of purchasing or selling nonferrous metals; providing for holds placed on stolen nonferrous metals; providing for law enforcement to issue written notice to a secondary metals recycler relating to stolen nonferrous metals; providing for a 15 calendar day hold for the secondary metals recycler to retain the nonferrous metals as provided in the written notice from law enforcement; providing that law enforcement provide written notice to the secondary metals recycler relating to allegedly stolen nonferrous metals; providing for 30 calendar days for an extended hold of allegedly stolen nonferrous metals by the secondary metals recycler; providing for automatic release of any holds if no order has been received to retain the nonferrous metals by a court; providing for limitations on transporting nonferrous metals on the highways of this state without a valid permit and penalties for violating transportation requirements; providing for revocation of a transportation permit; providing for exemptions from required permits to obtain, transport, or sell nonferrous metals to a secondary metals recycler; providing for preemption of other laws, rules, or regulations by any county or municipality; providing for additional criminal offenses for illegally obtaining nonferrous metals; providing for penalties to property damage when the damage is below \$5,000; providing for penalties for property damage when the damage is greater than or equal to \$5,000; providing for penalties when another person receives a great bodily injury during the course of illegally obtaining nonferrous metals; providing for penalties when illegally obtaining nonferrous metals results in the death of a person; providing for penalties for disruption of communication or electrical services to more than 10 people; providing for revocation of a permit upon conviction for illegally obtaining nonferrous metals; providing immunity from civil liability to the owner of real or personal property for any injury sustained by a person attempting to or obtaining nonferrous metals illegally, or for any injury caused by dangerous conditions

to a person attempting to or obtaining nonferrous metals illegally; providing that no duty of care is expected of an owner of real or personal property to persons attempting to or obtaining nonferrous metals illegally; and providing for rule-making authority.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

**By Senator Takubo:**

**Senate Bill 120**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13LL-1, §11-13LL-2, §11-13LL-3, §11-13LL-4, §11-13LL-5, §11-13LL-6, §11-13LL-7, §11-13LL-8, and §11-13LL-9, all relating to establishing a tax credit for certain physicians who locate in this state to practice; providing for criteria for the tax credit; establishing education requirements; setting forth a time limit to claim the tax credit; setting forth length of residency requirements; setting forth findings; defining terms; authorizing the credit; specifying the amount of the tax credit; providing how the credit may be asserted; specifying no tax credit carryover; allowing forms and schedules to be established by the Tax Commissioner in rule; setting maximum amount of tax credit allowed per taxpayer per year; authorizing the Tax Commissioner to promulgate rules; and setting effective date.

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

**By Senator Sypolt:**

**Senate Bill 121**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-6-22b, relating to barring a person who has been charged with willfully and intentionally causing the death of another by a criminal complaint, indictment, or a child abuse petition from participating in or planning the funeral or burial of the deceased.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 121 was then read a third time and put upon its passage.

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

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 121) passed with its title.

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

**By Senator Takubo:**

**Senate Bill 122**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§16-9G-3, relating to the Tobacco Cessation Initiative Program; and creating the Tobacco Cessation Initiative Program Special Revenue Account within the State Treasury to be administered by the Director of the Bureau for Public Health.

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

**By Senator Takubo:**

**Senate Bill 123**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-2-10, relating to permitting allopathic and osteopathic physicians to be exempt from specified traffic laws in emergency situations when responding to an emergency call; providing that physicians must still exercise due care for safety; and providing for rulemaking.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Sypolt:**

**Senate Bill 124**—A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to motor vehicles subject to a lease of at least one year by the United States, the state, any county, municipality, political subdivision, college, or university of this state and used for public purposes are considered public property and exempt from ad valorem taxation.

Referred to the Committee on Finance.

**By Senator Sypolt:**

**Senate Bill 125**—A Bill to amend and reenact §3-1-31 of the Code of West Virginia, 1931, as amended, relating to requiring all local special levies elections to be held on the days and hours of general or primary or state elections; and providing an exception for run-off elections.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 126**—A Bill to amend and reenact §19-19-2 and §19-19-7 of the Code of West Virginia, 1931, as amended, all

relating to the right to farm; defining terms; expanding protection of agricultural operations from nuisance and other legal actions to agricultural and horticultural practices allowed within municipalities, aquaponics, and hydroponics; requiring compliance with local laws, regulations, and ordinances for protection from nuisance and other legal actions to apply; and making technical changes.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 127**—A Bill to amend and reenact §17C-15-44 of the Code of West Virginia, 1931, as amended, relating to permitting persons who are 21 years of age or older to operate or be a passenger on a motorcycle without a helmet if they have held a license valid for the operation of a motorcycle for a minimum of two years; and making a technical correction to the statute heading.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Boley:**

**Senate Bill 128**—A Bill to amend and reenact §33-15A-6 of the Code of West Virginia, 1931, as amended, relating to prohibiting long-term care insurance providers from increasing premiums to existing customers beyond the current rate at which long-term care insurance rates are set.

Referred to the Committee on Banking and Insurance.

**By Senator Martin:**

**Senate Bill 129**—A Bill to amend and reenact §24-3-2 of the Code of West Virginia, 1931, as amended, relating to preventing public water and sewer utilities from prohibiting a customer from constructing, installing, or maintaining a connection or other infrastructure necessary for the customer to connect to the public utility to receive service if certain requirements are met; and specifying requirements and involvement of the Public Service Commission.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 129 was then read a third time and put upon its passage.

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

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 129) passed with its title.

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

**By Senator Grady:**

**Senate Bill 130**—A Bill amend and reenact §37-13A-1 of the Code of West Virginia, 1931, as amended, relating to protecting landowners who allow others to access cemeteries from their private property or roadway; and ensuring that those persons who damage private property are solely responsible for any costs of repair associated therein.

Referred to the Committee on the Judiciary.

**By Senator Grady:**

**Senate Bill 131**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §10-3-3, relating to establishing a medal of excellence in honor of Chuck Yeager, known as the Chuck Yeager Mountain State Medal of Excellence; providing a process by which to annually provide this award to a West Virginian who demonstrates exceptional leadership, innovation, entrepreneurship, or creativity; and establishing other related criteria.

Referred to the Committee on Government Organization.

**By Senators Rucker, Azinger, Phillips, Roberts, Smith, and Sypolt:**

**Senate Bill 132**—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to requiring municipalities that institute one percent sales tax to eliminate the business and occupation tax within five years.

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

**By Senator Weld:**

**Senate Bill 133**—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to compensable diseases of certain firefighters covered by workers' compensation; establishing rebuttable presumption of injury arising out of and in the course of employment for certain covered firefighters that

develop bladder cancer, mesothelioma, and testicular cancer; and providing that the rebuttable presumption expires on July 1, 2026, unless extended by the Legislature.

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

**By Senator Weld:**

**Senate Bill 134**—A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; creating the felony offense of aggravated cruelty to animals; creating the felony offense of malicious killing, torture, or mutilation of an animal; providing criminal penalties for these offenses; modifying the elements of the existing offense of cruelty to animals; and defining a term.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 135**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-18-30, relating to the acquisition and disposition of certain real property by an urban development authority; establishing methods of acquisition; requiring on-going maintenance of acquired properties; providing limits on acquisitions; providing for right of first refusal of tax-delinquent properties; and setting a sunset date.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings,



Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 135 was then read a third time and put upon its passage.

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

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 135) passed with its title.

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

**By Senator Weld:**

**Senate Bill 136**—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to updating language regarding special license plates for Fairmont State University.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 136 was then read a third time and put upon its passage.

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

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 136) passed with its title.

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

**By Senator Weld:**

**Senate Bill 137**—A Bill to amend and reenact §15-2B-6 of the Code of West Virginia, 1931, as amended, relating to requiring

persons convicted of certain felonies since March 9, 1995, provide a DNA sample.

Referred to the Committee on the Judiciary.

**By Senator Takubo:**

**Senate Bill 138**—A Bill to amend and reenact §30-3-5 of the Code of West Virginia, 1931, as amended, relating to West Virginia Board of Medicine composition.

Referred to the Committee on Health and Human Resources.

**By Senator Takubo:**

**Senate Bill 139**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9A-11, relating to prohibiting smoking of tobacco products in a motor vehicle while an individual 16 years of age or younger is present; defining terms; making the violation a secondary misdemeanor offense; and providing a penalty.

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

**By Senator Weld:**

**Senate Bill 140**—A Bill to amend and reenact §15-2-24 of the Code of West Virginia, 1931, as amended, relating to allowing a name-based state and federal criminal history record check of each adult residing in a residence when, due to emergency, a minor child must be placed in home care due to the absence of parents or custodians.

Referred to the Committee on Health and Human Resources.

**By Senator Weld:**

**Senate Bill 141**—A Bill to amend and reenact §29-22A-10b of the Code of West Virginia, 1931, as amended, relating to modifying the requirement that a racetrack must have participated in the West Virginia Thoroughbred Development Fund since January 1, 1999, or before in order for counties to receive two percent of the net terminal income where the video lottery terminals are located.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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: Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Azinger and Martin—2.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 141 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Maynard, Nelson, Phillips, Plymale, Romano, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Azinger, Martin, Roberts, and Smith—4.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 141) passed with its title.

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

**By Senator Smith:**

**Senate Bill 142**—A Bill to amend and reenact §8-15-8b of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-4C-24 of said code, all relating to volunteer fire departments and emergency medical services units; and providing that any increased costs or expenditures to volunteer fire departments that result from the implementation of a state legislative rule shall be funded respectively by the State Fire Commission and the Commissioner of the Bureau for Public Health.

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

**By Senators Sypolt and Smith:**

**Senate Bill 143**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13KK-1, §11-13KK-2, and §11-13KK-3; to amend and reenact §20-2-28 of said code; and to amend and reenact §20-2B-7 of said code, all relating to creating a personal income tax credit of the cost of a lifetime hunting, fishing, and trapping license issued to certain disabled veterans discharged from the armed forces of the United States.

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

**By Senator Lindsay:**

**Senate Bill 144**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13KK-1, §11-13KK-2, §11-13KK-3, §11-13KK-4, §11-13KK-5, §11-13KK-6, and §11-13KK-7, all relating generally to creating a personal income tax credit for volunteer firefighters in West Virginia; providing for definitions; providing for a tax credit for a volunteer firefighter for personal income tax in a taxable year; providing for a tax credit limitation of \$5,000 for a single person; providing for a tax credit limitation of \$10,000 of persons filing tax returns jointly under certain conditions; providing that the tax credit for volunteer firefighters must be used in the taxable year and cannot be carried forward; providing for documentation of

eligibility for the tax credit; providing for required contents of the documentation evidencing eligibility for the tax credit; providing that the form must be sent to the Tax Commissioner to receive the tax credit; providing for rule-making authority; providing for reporting at certain time; and providing for an effective date.

Referred to the Committee on Finance.

**By Senator Weld:**

**Senate Bill 145**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-63, relating to exempting certain persons from fees for hunting, fishing, and trapping licenses and permits; providing that fees for hunting, trapping, and fishing licenses and permits are waived for certain volunteer firefighters; including eligibility requirements; requiring compliance with all other requirements to obtain license; and granting rule-making authority.

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

**By Senator Weld:**

**Senate Bill 146**—A Bill to amend and reenact §18-3-6 of the Code of West Virginia, 1931, as amended, relating to upholding and applying the Superintendent of Schools' interpretation of school law and State Board of Education rules.

Referred to the Committee on the Judiciary.

**By Senator Baldwin:**

**Senate Bill 147**—A Bill to amend and reenact §3-1-37 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-9-6 and §3-9-9 of said code, all relating to adjusting the distance from a polling place that certain electioneering and election-related activity is prohibited; making legislative findings and justifications for the changes; and ensuring consistency in the law with respect to application of the distances within which certain conduct is prohibited at polling places.

Referred to the Committee on the Judiciary.

**By Senator Baldwin:**

**Senate Bill 148**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-22, relating to prohibiting racial discrimination based on certain hair textures and hairstyles.

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

**By Senator Baldwin:**

**Senate Bill 149**—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to exempting firearm safe storage products from the consumers sales tax.

Referred to the Committee on Finance.

**By Senator Baldwin:**

**Senate Bill 150**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §60A-9A-1, §60A-9A-2, §60A-9A-3, §60A-9A-4, §60A-9A-5, and §60A-9A-6, all relating to requiring wholesale drug distributors to report certain information to the West Virginia Board of Pharmacy.

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

**By Senator Phillips:**

**Senate Bill 151**—A Bill amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to issue special vehicle registration plates recognizing the occupation of linemen; and establishing fees for the issuance of the special vehicle registration plate.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Baldwin:**

**Senate Bill 152**—A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempting from property tax certain real properties in this state owned by a

nonprofit corporation with the purpose of organizing, supporting, and maintaining a contemporary agricultural and industrial fair and exposition.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

**By Senator Baldwin:**

**Senate Bill 153**—A Bill to amend and reenact §54-2-9 of the Code of West Virginia, 1931, as amended, relating to changing the determination of just compensation to be paid to the landowner when eminent domain is used for a pipeline.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on the Judiciary.

**By Senator Baldwin:**

**Senate Bill 154**—A Bill to amend and reenact §16-4C-3 and §16-4C-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-4C-25, all relating to creating the Emergency Medical Services Personnel Loan Forgiveness Program; permitting emergency service personnel to have certain portions of their educational loans forgiven; granting the Emergency Medical Service Advisory Council the authority to approve loan forgiveness awards; establishing application criteria; establishing the amounts of awards; establishing requirements for the certification of personnel status; defining terms; and creating a special revenue account known as the Emergency Medical Services Personnel Loan Forgiveness Program Fund.

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

**By Senator Baldwin:**

**Senate Bill 155**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-26, relating to creating a tax credit for individuals who successfully complete a firearms safety course.

Referred to the Committee on Finance.



**By Senator Takubo:**

**Senate Bill 156**—A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining "sexual orientation" and "gender identity".

Referred to the Committee on the Judiciary.

**By Senator Karnes:**

**Senate Bill 157**—A Bill to repeal §17C-16-1, §17C-16-2, §17C-16-3, §17C-16-4, §17C-16-5, §17C-16-6, §17C-16-7, §17C-16-8, and §17C-16-9 of the Code of West Virginia, 1931, as amended, relating to mandatory state inspections of motor vehicles.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Karnes:**

**Senate Bill 158**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-12b, relating to collecting and analyzing statistical information pertaining to termination of pregnancies under the West Virginia Medicaid Program; declaring legislative objectives; requiring the submission of reporting forms by providers; providing for patient confidentiality; specifying required information; providing for the collection and aggregation of data; permitting access to de-identified data; and requiring the creation of analytical reports.

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

**By Senator Karnes:**

**Senate Bill 159**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-11A-1, §3-11A-2, §3-11A-3, §3-11A-4, and §3-11A-5, all relating

to providing procedure for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America; defining terms; directing Legislature to establish committee of correspondence for Article V convention; authorizing participation by delegates in Article V convention only when each state has equal vote; setting forth delegate duties and responsibilities; setting forth oath for candidate for delegate or alternate; designating delegates and alternates as public officials and subject to West Virginia Governmental Ethics Act; providing for immediate recall of delegate casting unauthorized vote and replacement with alternate; directing Legislature to certify certain information to Article V convention; making violation of delegate's oath a felony; and providing criminal penalties for violation of a delegate's oath.

Referred to the Committee on the Judiciary.

**By Senator Karnes:**

**Senate Bill 160**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-16I-10, relating to prohibiting abortion coverage in qualified health care plans issued or renewed on or after January 1, 2023; and providing an exception to the prohibition when a mother's life is in danger.

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

**By Senator Jeffries:**

**Senate Bill 161**—A Bill to amend and reenact §20-1-17 of the Code of West Virginia, 1931, as amended, relating to prohibiting the Natural Resources Commission from establishing a bag limit for antlered deer at three or more.

Referred to the Committee on Natural Resources.

**By Senator Baldwin:**

**Senate Bill 162**—A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to mobility impairment identifying documents.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Baldwin:**

**Senate Bill 163**—A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to permitting honorably discharged veterans to hunt, trap, or fish in this state without first obtaining a license.

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

**By Senator Baldwin:**

**Senate Bill 164**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-16A-13b, relating to exempting emergency vehicles and private ambulances from paying tolls or other charges.

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

**By Senator Baldwin:**

**Senate Bill 165**—A Bill to amend and reenact §29-6-10 of the Code of West Virginia, 1931, as amended, relating to authorizing the transfer of personal leave by a former employee of a county board of education when the employee is subsequently employed by a state agency.

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

**By Senator Baldwin:**

**Senate Bill 166**—A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-8A-5, all relating to creating a homeless education coordinator in counties designated by the state board as an urban county.

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

**By Senator Baldwin:**

**Senate Bill 167**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to implementation of trauma-informed practices in schools; providing for an effective date; providing for training; providing definition of "trauma-informed practices"; providing for disciplinary considerations in light of trauma-informed practices; providing for a culture of acceptance among educational professionals relating to trauma-informed practices within the school; and providing for rulemaking.

Referred to the Committee on Education.

**By Senator Baldwin:**

**Senate Bill 168**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-18f, relating to establishing vocational-technical programs in middle schools.

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

**By Senator Baldwin:**

**Senate Bill 169**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-1c; and to amend said code by adding thereto a new section, designated §33-16-1c, all relating to accident and sickness insurance coverage and group accident and sickness insurance coverage; requiring access to coverage of individuals with pre-existing conditions; specifying acceptable variability in insurance rates; providing for new or changed coverage at certain enrollment times; and conditioning the applicability of the provisions on federal law.

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

**By Senator Baldwin:**

**Senate Bill 170**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§20-5-23, relating to the development of an incentive plan for West Virginia veterans which includes reductions and discounts in fees and charges at state parks.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 170 was then read a third time and put upon its passage.

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

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 170) passed with its title.

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

**By Senator Azinger:**

**Senate Bill 171**—A Bill to amend and reenact §48-13-801 of the Code of West Virginia, 1931, as amended, relating to tax exemption for child support due.

Referred to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 172**—A Bill to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to increasing the compensation of elected county officials.

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

At the respective requests of Senators Romano and Beach, and by unanimous consent, Senators Romano and Beach were excused from voting under Rule 43 of the Rules of the Senate.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: None.

Absent: Rucker and Takubo—2.

Excused from voting: Beach and Romano—2.

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

Engrossed Senate Bill 172 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 172 pass?"

At the respective requests of Senators Romano and Beach, and by unanimous consent, Senators Romano and Beach were excused from voting under Rule 43 of the Rules of the Senate.

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

The nays were: Karnes and Sypolt—2.

Absent: Rucker and Takubo—2.

Excused from voting: Beach and Romano—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 172) passed with its title.

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

**By Senator Karnes:**

**Senate Bill 173**—A Bill to amend and reenact §18-7A-17 of the Code of West Virginia, 1931, as amended, relating to providing that members of the State Teachers Retirement System shall be considered absent from service as a teacher or nonteacher while

serving as an officer with a statewide professional teaching association, or who have served in that capacity; and providing that retirants, who served in that capacity while members, shall be considered to have been absent from service as a teacher by reason of that service.

Referred to the Committee on Pensions.

**By Senator Lindsay:**

**Senate Bill 174**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-8-101, relating to designating social workers in the Department of Health and Human Resources to promote better student school attendance and performance, and the health and well-being of students at home; describing duties; and limiting use of information obtained.

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

**By Senator Baldwin:**

**Senate Bill 175**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4x, relating to ensuring coverage for residents with pre-existing conditions.

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

**By Senator Baldwin:**

**Senate Bill 176**—A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §33-16-3hh; and to amend said code by adding thereto a new section, designated §33-24-7x, all relating to insurance coverage for insulin.

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

**By Senator Baldwin:**

**Senate Bill 177**—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; including rebuttable presumptions for certain injuries and diseases for professional firefighters; setting eligibility criteria for rebuttable presumptions; setting expiration of rebuttable presumption regarding skin, lung, esophageal, colon, testicular, prostate, brain, breast, and cervical cancers, mesothelioma, non-Hodgkin's lymphoma, leukemia, lymphoma, and multiple myeloma, arising out of and in the course of employment as a firefighter on July 1, 2025, absent legislative action to the contrary; allowing coverage to employees for occupational pneumoconiosis or other occupational disease for work performed out of state under certain conditions; and eliminating outdated and obsolete language.

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

**By Senator Baldwin:**

**Senate Bill 178**—A Bill to amend and reenact §18-2-42 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2B-9; to amend said code by adding thereto a new article, designated §18-21A-1, §18-21A-2, §18-21A-3, §18-21A-4, §18-21A-5, §18-21A-6, and §18-21A-7; and to amend said code by adding thereto a new article, designated §18-34-1, §18-34-2, §18-34-3, and §18-34-4, all relating to vocational and technical education programs; requiring State Board and Commerce Department to create lists of apprenticeships, certifications, and credentials to provide to students; providing for Governor's Workforce Credential initiative; creating a career and technical education pilot program to introduce middle school students to career and technical education opportunities in the state; requiring county school districts to provide certain information to students; establishing the Governor's Workforce Credential; establishing requirements for the Governor's Workforce Credential; mandating graduation recognition for recipients of credential; and creating monetary incentive for schools who graduate credentialed students.

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

**By Senator Baldwin:**

**Senate Bill 179**—A Bill to amend and reenact §5-16-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5-16-6, all relating to authorizing small private employers to buy-in to Public Employees Insurance Act (PEIA); mandating that PEIA provide coverage to the employees of small, private employers and their dependents; providing that coverage for employees of a small employer is voluntary for both the employer and the employee; prohibiting refusal of coverage on the basis of past or future health care costs or claim experience; prohibiting administrative costs attributable to coverage to be paid by the state; and providing that participation does not create an employer-employee relationship with the state.

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

**By Senator Trump:**

**Senate Bill 180**—A Bill to amend and reenact §27-5-3 of the Code of West Virginia, 1931, as amended, relating to involuntary hospitalization; removing a requirement that a determination of medical stability be found prior to admission to a mental health facility; and providing that a physical may be provided to the individual upon admission to the mental health facility.

Referred to the Committee on Health and Human Resources.

**By Senator Woodrum:**

**Senate Bill 181**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto nine new sections, designated §16-42-1, §16-42-2, §16-42-3, §16-42-4, §16-42-5, §16-42-6, §16-42-7, §16-42-8, and §16-42-9; and to amend and reenact §24-6-6b of said code, all relating to creating the Core Behavioral Health Crisis Services System; designating crisis hotline centers; reimbursing treatment for crisis receiving and stabilization services; creating the Statewide 988 Trust Fund; providing a mechanism for funding the trust fund; establishing the uses of the fund; authorizing a statewide 988 fee; establishing the duties and powers of the secretary; providing for timelines for

implementation; authorizing rulemaking, including emergency rules; and requiring annual reports.

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

**By Senator Azinger:**

**Senate Bill 182**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to the teaching of divisive acts and critical race theory in West Virginia schools; providing definitions; prohibiting public schools and charter schools from teaching or training students to believe certain divisive concepts; allowing a teacher to be dismissed or not re-employed for teaching or training students to believe certain divisive concepts; providing certain construction; providing for promulgation of rules; providing for codification; and providing an effective date.

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

**By Senator Baldwin:**

**Senate Bill 183**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1, §9-11-2, §9-11-3, §9-11-4, and §9-11-5, all relating to the wholesale importation of prescription drugs.

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

**By Senator Baldwin:**

**Senate Bill 184**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-7-8, relating to creating the Business PROMISE+ Scholarship; establishing the scholarship under the management of the Higher Education Policy Commission; creating a special revenue account; explaining funding for the scholarship; authorizing the issuance of tax credits for certain businesses; authorizing legislative rules by the Higher Education Policy Commission and the Tax Commissioner; setting student eligibility;

noting business benefits and requirements; creating a process for awarding a specific amount of funds; detailing student requirements upon receipt of the scholarship; and requiring the creation of a deferral and waiver program for certain requirements.

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

**By Senator Jeffries:**

**Senate Bill 185**—A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended, relating to clarifying municipal business and occupation taxation where business activity occurs in more than one location; defining terms to reflect the changing national economy; and authorizing the Tax Commissioner to promulgate any necessary regulations.

Referred to the Committee on Finance.

**By Senator Jeffries:**

**Senate Bill 186**—A Bill to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Economic Development Authority; creating a Small Business and Minority Populations Economic and Workforce Development Taskforce to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment, labor force participation, and economic development problems of small business and low income and minority populations of West Virginia; and developing a pilot project that can be used as a model to promote the growth and development of small business to increase employment and labor force participation across West Virginia.

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

**By Senator Martin:**

**Senate Bill 187**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-33-1, §22-33-2, §22-33-3, §22-33-4, and §22-33-5, all relating generally to creating the Natural Resources Anti-Commandeering

Act; stating legislative findings; prohibiting agencies of this state and political subdivisions or employees thereof from knowingly and willingly participating in the enforcement of any federal act, law, order, rule, or regulation relating to coal, oil, gas, timber, or other extractive resources which do not exist under the laws of this state; prohibiting assets or funds of the state from being used in activity assisting enforcement of any federal act, law, order, rule, or regulation relating to coal, oil, gas, timber, or other extractive resources which do not exist under the laws of this state; providing penalties therefor; and providing for severability.

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

**By Senator Jeffries:**

**Senate Bill 188**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-5i, relating to creating the West Virginia Children's Vision Act; and requiring proof of vision examination of children enrolling in West Virginia public or private schools.

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

**By Senator Martin:**

**Senate Bill 189**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-8I-1, §31A-8I-2, §31A-8I-3, and §31A-8I-4, all relating to unlawful discriminatory practices by a financial institution or government entity against manufacturers, retailers, distributors, shooting ranges, or trade associations that support or are engaged in the lawful commerce of firearms, firearms accessories, or ammunition products; authorizing a declaratory judgment action to be brought by the Attorney General in the name of the state; and providing for an award of monetary damages and costs and other remedies against the violators including potential discontinuance of business by the state with these violators.

Referred to the Committee on the Judiciary.

**By Senator Martin:**

**Senate Bill 190**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-10a, relating to declaring the sale, repair, maintenance, and manufacture of firearms, ammunition, and related accessories and components to be essential businesses and services for the purposes of safety and security in times of declared emergency or any other statutorily authorized responses to disaster, war, acts of terrorism, riot or civil disorder, or other emergencies; prohibiting specific governmental regulation of firearms, ammunition, components or accessories of any kind or nature, or their use or possession; extending the expiration date of concealed license during emergencies; creating an action for damages, injunctive relief, declaratory relief, or other appropriate redress for the unlawful seizure or confiscation of firearms or related accessories and components; and providing for civil damages.

Referred to the Committee on the Judiciary.

**By Senator Stover:**

**Senate Bill 191**—A Bill to amend and reenact §3-1-30 and §3-1-44 of the Code of West Virginia, 1931, as amended, all relating to authorizing poll clerks to work and be compensated for both full and half days worked during an election.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 191 was then read a third time and put upon its passage.

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

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 191) passed with its title.

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

**By Senator Grady:**

**Senate Bill 192**—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to establishing a Civil Air Patrol license plate option through the West Virginia Division of Motor Vehicles.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Martin:**

**Senate Bill 193**—A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to prohibiting public entities, including state, county, and municipal buildings and facilities, places of public accommodation, and

commercial facilities, from charging a fee for parking in an accessible parking space bearing the international symbol of access.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Baldwin:**

**Senate Bill 194**—A Bill to amend and reenact §18C-7-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18C-10-1, §18C-10-2, §18C-10-3, §18C-10-4, §18C-10-5, and §18C-10-6, all relating to establishing the Promise for All Scholarship Program; expiring the PROMISE Scholarship Program; providing legislative findings and purpose of the new program; defining terms; providing eligibility, conditions, and limitations for participating in the program; directing the Higher Education Policy Commission administer the program; providing commission directives and authority to administer; providing for loss of scholarship if certain conditions are not fulfilled; placing limitations and conditions on scholarship awards; providing for legislative and emergency rules; establishing a new fund to hold and invest scholarship moneys; and providing for funding of program.

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

**By Senator Baldwin:**

**Senate Bill 195**—A Bill to amend and reenact §18-5-44 of the Code of West Virginia, 1931, as amended, relating to expanding permissive early childhood education programs to children who are three years old beginning in the 2022-2023 school year; providing counties with the authority to implement three-year-old early childhood education programs; and clarifying that the state board rules should take into consideration curriculum appropriate for three-year-old children in such programs.

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



**By Senator Baldwin:**

**Senate Bill 196**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6O-1, §46A-6O-2, and §46A-6O-3, all relating to prohibiting certain misleading pharmaceutical advertising practices; providing for certain disclosures and warnings in pharmaceutical advertising for the protection of patients; and imposing criminal penalties.

Referred to the Committee on the Judiciary.

**By Senator Baldwin:**

**Senate Bill 197**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-2A-5a, relating to drug testing of legislators.

Referred to the Committee on the Judiciary.

**By Senator Baldwin:**

**Senate Bill 198**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-27; to amend said code by adding thereto a new section, designated §18-2-44; and to amend said code by adding thereto a new section, designated §18B-2A-9, all relating to establishing the Stay in State tax credit against personal income for higher education tuition of certain state residents; creating credit for student loan payments of all in-state community college, college, or university undergraduates and their in-state employers against personal income tax; establishing conditions and qualifications for the tax credit; providing methodology for calculating credit; providing for graduate and employer eligibility of payments against student loans for employees; defining terms; and providing for the county boards of education, State Board of Education, and governing boards of colleges' promotion of the program.

Referred to the Committee on Finance.

**By Senator Plymale:**

**Senate Bill 199**—A Bill to amend and reenact §5-22A-5 of the Code of West Virginia, 1931, as amended; to amend said code by

adding thereto a new article, designated §5-22B-1, §5-22B-2, §5-22B-3, §5-22B-4, §5-22B-5, §5-22B-6, and §5-22B-7; and to amend and reenact §31G-1-4 of said code, all relating to creating the Multiphase Procurement for Broadband Projects Act for public-private partnership broadband projects; and providing that the Design-Build Board and the Broadband Enhanced Council shall administer duties of the Multiphase Procurement for Broadband Projects Act.

Referred to the Committee on Government Organization.

**By Senator Lindsay:**

**Senate Bill 200**—A Bill to repeal §3-3-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1-34 and §3-1-41 of said code; to amend and reenact §3-1A-5 of said code; to amend and reenact §3-2-25 and §3-2-27 of said code; to amend and reenact §3-3-1, §3-3-1a, §3-3-2, §3-3-2a, §3-3-3, §3-3-5, §3-3-9, §3-3-10, and §3-3-12 of said code; to amend and reenact §3-4A-19 of said code; to amend and reenact §3-5-13 of said code; to amend and reenact §3-6-6, §3-6-7, and §3-6-9 of said code; to amend said code by adding thereto a new section, designated §3-9-14; and to amend and reenact §3-9-19 of said code, all relating to modernization of procedures for voting in public elections; modifying voter identification procedure at the polls; removing authority of election commissioners and poll clerks to dispute voter claims of disability; providing for distribution of informational materials and periodic updates thereof; revising the procedure to declare voters inactive on registration lists; authorizing all registered voters to vote absentee ballot by mail; simplifying the requirements for an emergency absentee ballot; providing for secure receipt of hand-delivered absentee ballots; specifying security and accessibility requirements for early voting locations; providing for stand-alone drop-off locations for deposit of completed absentee ballots; revising time requirements and deadlines; eliminating restrictions on in-person and absentee voting for elections held on Saturdays; revising terms and procedures for casting an absentee ballot by mail; reforming the procedures and grounds for challenging an absentee ballot; specifying the form and printed text of envelopes for absentee

ballots; establishing a prec canvass procedure for ballots received in advance of Election Day; authorizing voter cure for potentially deficient absentee ballots; establishing a criminal offense of coercion and intimidation of a voter; defining a criminal offense of unauthorized marking of another person's absentee ballot; providing criminal penalties for violations; and correcting citations and grammar throughout.

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

**By Senator Baldwin:**

**Senate Bill 201**—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 a \$1,000 tax credit on the personal property tax of the graduate for five taxable years; providing rule-making authority to the Tax Commissioner; and removing expired language.

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

**By Senator Jeffries:**

**Senate Bill 202**—A Bill to amend and reenact §47-26-1, §47-26-2, and §47-26-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §47-26-2a, all relating to the regulation of pawnbrokers; removing an exception for certain transactions from the report required of all pawnbrokers; requiring all pawnbrokers to be equipped with certain surveillance equipment and signage effective January 1, 2023; prohibiting pawnbrokers from doing business with certain persons; prohibiting pawnbrokers from purchasing certain items or transacting with certain items from anyone; creating misdemeanor offenses for certain violations; and increasing the penalties for existing criminal offenses related to pawnbrokers.

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

**By Senator Maroney:**

**Senate Bill 203**—A Bill to amend and reenact §47-11E-1, §47-11E-2, §47-11E-3, §47-11E-4, and §47-11E-5 of the Code of West Virginia, 1931, as amended, all relating to covenants not to compete between physicians, physician assistants, or advanced practice registered nurses and employers; defining terms; setting forth prohibition against contract terms; providing for enforceability of other contract terms; providing for exemptions; and setting forth an effective date.

Referred to the Committee on Health and Human Resources.

**By Senator Maroney:**

**Senate Bill 204**—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, 2024; 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, 2025.

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

**By Senator Maroney:**

**Senate Bill 205**—A Bill to amend and reenact §5-16-4 of the Code of West Virginia, 1931, as amended, relating to the expansion of membership of the Public Employees Insurance Agency Finance Board.

Referred to the Committee on Government Organization.

**By Senator Baldwin:**

**Senate Bill 206**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated

§16-1-16 and §16-1-16a, all relating to social determinants of health; establishing the Minority Health Advisory Team, including its composition and duties; authorizing a Community Health Equity Initiative Demonstration Project; authorizing the Commissioner of the Bureau for Public Health to establish a Community Health Equity Initiative Demonstration Project; establishing eligibility requirements; providing for the administration of the demonstration project; establishing requirements for a demonstration project plan and the selection of communities for participation; establishing reporting requirements; and establishing the date on which the demonstration project terminates.

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

**By Senator Baldwin:**

**Senate Bill 207**—A Bill to amend and reenact §11-21-22 and §11-21-22b of the Code of West Virginia, 1931, as amended, all relating to providing an earned income tax credit against the personal income tax.

Referred to the Committee on Finance.

**By Senator Baldwin:**

**Senate Bill 208**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-10-7d, relating to providing tuition and fee waivers for terms of service completed in West Virginia as AmeriCorps volunteer; specifying programs, conditions, required minimum hours of service, and limitation of semesters applicable; defining nominal value; providing that tuition and fee waivers are in addition to others permitted; authorizing governing boards to establish limits; and authorizing legislative rulemaking for certain purposes.

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

**By Senator Azinger:**

**Senate Bill 209**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated

§37D-1-1, §37D-1-2, §37D-1-3, §37D-1-4, §37D-1-5, §37D-1-6, §37D-2-1, §37D-2-2, §37D-2-3, §37D-2-4, §37D-2-5, §37D-2-6, §37D-2-7, and §37D-2-8, all relating to timber ownership interests; creating the Timber Co-tenancy Modernization and Majority Protection Act and the Unknown and Unlocatable Timber Interest Owners Act; permitting the harvest of timber by fewer than all the interest owners under certain conditions; providing an exception to waste and trespass; providing short titles; providing declarations of public policy and legislative findings; providing definitions; providing that consent for the lawful use and harvesting of timber by the persons owning an undivided three fourths of the royalty interests, as defined, in the timber estate is permissible, is not waste, and is not trespass; providing that nonconsenting co-tenants may elect a harvest royalty interest or a working interest share of harvest; providing that interests owned by unknown or unlocatable owners be reserved, reported, and deposited in a fund hereby created, known as the Unknown and Unlocatable Timber Interest Owners Fund, to be administered by the State Treasurer in conjunction with the West Virginia Uniform Unclaimed Property Act; providing methods for determination of leasehold and contractual terms, including reviews and determinations; providing liability protection for damages resulting from the lawful use or harvesting of timber; requiring surface use agreements in specified circumstances; providing a mechanism for surface owners to acquire title to certain harvested timber interests; preserving common law rights; providing reporting requirements and administrative duties, including civil penalties for noncompliance under the West Virginia Uniform Unclaimed Property Act; providing for rule-making authority; providing crediting of interest to owner's accounts; and providing an effective date of July 1, 2022.

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

**By Senator Azinger:**

**Senate Bill 210**—A Bill to amend and reenact §15-5-6 of the Code of West Virginia, 1931, as amended, relating to the emergency powers of the Governor; when the Governor may be required to convene an extraordinary session of the Legislature;

defining actions of state government or political subdivisions that are prohibited during states of emergency; authorizing legal actions or actions in equity by persons or businesses aggrieved by governmental violations, together with the award of costs and fees to prevailing plaintiffs; and ending the mask mandate imposed by the Governor upon passage.

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

**By Senator Azinger:**

**Senate Bill 211**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to damages for medical monitoring; establishing requirements for an order for payment of medical monitoring expenses; and providing that an increased risk of disease is not a compensable basis for damages in any civil action.

Referred to the Committee on the Judiciary.

**By Senator Azinger:**

**Senate Bill 212**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, §16-2Q-2, §16-2Q-3, §16-2Q-4, §16-2Q-5, §16-2Q-6, §16-2Q-7, §16-2Q-8, §16-2Q-9, §16-2Q-10, and §16-2Q-11, all relating to enacting the Fetal Heartbeat Act; prohibiting abortions when a fetal heartbeat is detected; providing that the article applies only to intrauterine pregnancies; providing for exceptions; making certain findings; providing for severability; establishing standards, requirements, and procedures; requiring documentation; requiring notice and acknowledgments; establishing criminal penalties; permitting civil actions; defining terms; and providing for rulemaking.

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

**By Senator Takubo:**

**Senate Bill 213**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-31A-1, §30-31A-2, §30-31A-3, §30-31A-4, §30-31A-5, §30-31A-

6, §30-31A-7, §30-31A-8, §30-31A-9, §30-31A-10, §30-31A-11, §30-31A-12, §30-31A-13, §30-31A-14, and §30-31A-15, all relating to establishing a licensed professional counseling compact.

Referred to the Committee on Health and Human Resources.

**By Senator Takubo:**

**Senate Bill 214**—A Bill to amend and reenact §30-21A-3 of the Code of West Virginia, 1931, as amended, relating to updating the telepsychology compact.

Referred to the Committee on Health and Human Resources.

**By Senator Baldwin:**

**Senate Bill 215**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-33, relating to creating a tax credit for individuals who purchase firearm safety equipment.

Referred to the Committee on Finance.

**By Senator Azinger:**

**Senate Bill 216**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, §18-34-2, §18-34-3, §18-34-4, and §18-34-5, all relating to the creation of the Student Journalist Press Freedom Restoration Act; providing for legislative findings; requiring that the West Virginia Department of Education and the West Virginia Higher Education Policy Commission allow for the free expression of student journalists on campuses of middle schools, high schools, and colleges and universities; providing a framework and parameters for free expression; and allowing for civil actions in the event that this article is violated.

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

**By Senator Maynard:**

**Senate Bill 217**—A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-28-2 and §18-28-6 of said code, all relating to giving



private schools the option of making vaccinations required for enrollment; and requiring private schools to maintain annual attendance records.

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

**By Senator Maynard:**

**Senate Bill 218**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to requiring public schools to notify parents when dispensing contraceptives to minors; and providing a definition.

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

**By Senator Grady:**

**Senate Bill 219**—A Bill to amend and reenact §18-2-7a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-2-7g, all relating to designating the specific grade levels to which the specified physical education requirements are applicable; allowing a school district to develop or adopt a program in which the subject of nutrition and exercise education is taught instead of the program required to be prescribed by the state board; setting forth requirements for program developed or adopted; allowing school districts to apply for funding to support the implementation of the program; creating the Nutrition and Exercise Education Fund from which moneys are to be awarded on a competitive basis to eligible school districts; requiring the Department of Education to annually submit a report to the Governor and the Legislative Oversight Commission on Education Accountability; allowing a school district to make available to schools within the district a program in which the subject of nutrient and exercise education is taught; setting forth requirements applicable to the program; allowing school districts utilizing the program to be eligible to apply for funding from the Nutrition and Exercise Education Fund; setting forth requirements applicable to each school in a school district electing to participate in the program; allowing school districts to

issue a request for proposals to contract with qualified service providers on a per-student rate to provide certain programs and/or products; setting forth certain criteria that providers of programs and products must meet to be considered by school districts; and setting forth required program accountability measures.

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

**By Senator Maynard:**

**Senate Bill 220**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, relating to requiring physicians to notify parents when prescribing contraceptives to minors; and providing definitions.

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

**By Senator Takubo:**

**Senate Bill 221**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-28A-1, §30-28A-2, §30-28A-3, §30-28A-4, §30-28A-5, §30-28A-6, §30-28A-7, §30-28A-8, §30-28A-9, §30-28A-10, §30-28A-11, §30-28A-12, §30-28A-13, and §30-28A-14, all relating to establishing an occupational therapy compact; providing for the purpose in creating the compact; providing for definitions relating to the compact; establishing guidelines for state participation in the compact; creating a compact privilege; creating a means to obtain a state home license through the compact; defining active duty military personnel and their spouses for purposes of the compact; defining adverse actions; establishing the occupational therapy compact commission; creating a data system; providing for rulemaking; providing for oversight, dispute resolution, and enforcement; creating a date of implementation of the interstate commission for occupational therapy practice and associated rules, withdrawal, and amendment; providing for the construction and severability of the compact; and establishing the binding effect of the compact and other laws.

Referred to the Committee on Health and Human Resources.

**By Senator Rucker:**

**Senate Bill 222**—A Bill amend and reenact §18A-4-1 and §18A-4-2 of the Code of West Virginia, 1931, as amended, all relating generally to in-field master's degree; revising definition of "M.A."; adding definition for "in-field master's degree"; providing that salary increase for holding an in-field master's degree is contingent upon a classroom teacher's assignment; requiring the state board to promulgate rules for the administration and implementation of the in-field master's salary; specifying contents of rule; requiring the Higher Education Policy Commission to develop a plan to provide readily accessible "M.A." classification programs at West Virginia institutions of higher education for professional educators throughout the state; requiring the commission to propose a legislative rule outlining the process for the state's public master's degree-granting institutions to offer a fully online, collaborative graduate program for educators providing academic coursework including pedagogy, curriculum and instructional design, and behavioral health areas of focus; and prohibiting certain classroom teachers from receiving the salary increase for any education level above A.B. plus 15 unless certain in-field master's degree related requirements have been satisfied.

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

**By Senator Trump:**

**Senate Bill 223**—A Bill to amend and reenact §44-2-1 and §44-2-29 of the Code of West Virginia, 1931, as amended; to amend and reenact §44-3A-4a and §44-3A-19 of said code; and to amend and reenact §44-4-9 of said code, all relating to the procedure to settle estates of decedents; abolishing the requirement to make a publication of a short form settlement in the estates of decedents; and updating language and style.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 224**—A Bill to amend and reenact §48-2-301 of the Code of West Virginia, 1931, as amended, relating to establishing that 18 is the age of consent; and removing the ability

of an underage person to obtaining a consent to marry through their parents, legal guardians, or by petition to the circuit court.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 225**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to actions for injuries; damages for medical monitoring; establishing requirements for an order for payment of medical monitoring expenses; providing that an increased risk of disease is not a compensable basis for damages in any civil action; providing that, where awarded, payment of medical monitoring expenses shall not be paid to a prevailing plaintiff until the procedure is completed; requiring that, where awarded, defendants pay medical monitoring expenses into a fund established by the court for that purpose; and providing for the return of any money remaining in the fund after medical monitoring is no longer required to the defendants.

Referred to the Committee on the Judiciary.

**By Senator Roberts:**

**Senate Bill 226**—A Bill to amend and reenact §18A-2-3 of the Code of West Virginia, 1931, as amended, relating to allowing substitute teachers who suspect or believe they are being unfairly excluded from certain assignments or all assignments to request an explanation from certain school officials; and requiring that an explanation be provided if a request for explanation is made unless more than one request is made for every 90 instructional day period.

Referred to the Committee on Education.

**By Senator Rucker:**

**Senate Bill 227**—A Bill to amend and reenact §18-9B-17, §18-9B-18, and §18-9B-19 of the Code of West Virginia, 1931, as amended, all relating to requiring county boards of education and county superintendents to comply with the instructions of the State Board of Education; expanding remedies that may be used to

enforce certain orders of the State Board of School Finance when a county board of education fails or refuses to comply; expanding circumstances under which the State Board of School Finance can withhold payment of state aid from a county board; allowing, under certain circumstances of noncompliance with state law or State Board of Education policy, the State Board of School Finance to require certain actions during the periods of noncompliance; and requiring the State Board of School Finance to report certain actions of enforcement against a county board to the State Board of Education at its next meeting.

Referred to the Committee on Education.

**By Senators Rucker and Baldwin:**

**Senate Bill 228**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-10-7d, relating to providing tuition and fee waivers for terms of service completed in West Virginia as AmeriCorps volunteer; specifying programs, conditions, required minimum hours of service, and limitation of semesters applicable; defining nominal value; providing that tuition and fee waivers are in addition to others permitted; authorizing governing boards to establish limits; and authorizing legislative rulemaking for certain purposes.

At the request of Senator Weld, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, 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: Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Azinger and Martin—2.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 228 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Azinger—1.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 228) passed with its title.

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

**By Senator Rucker:**

**Senate Bill 229**—A Bill to amend and reenact §18-5-13a of the Code of West Virginia, 1931, as amended, relating to requiring an impact statement in certain instances of a school closing or consolidation; requiring State Board of Education rule detailing information that a county board is required to include as part of its impact statement; and setting forth minimum requirements for the rule.

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

**By Senator Rucker:**

**Senate Bill 230**—A Bill to amend and reenact §6C-2-3 and §6C-2-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6C-3-1 of said code, all relating to West Virginia public employee grievance procedure; requiring a notarized grievance form; outlining the grievance motion to dismiss procedure; providing for the payment of attorney's fees; and providing requirements for West Virginia Public Employees Grievance Board appointees.

Referred to the Committee on the Judiciary.

**By Senator Tarr:**

**Senate Bill 231**—A Bill to amend and reenact §31G-4-1 and §31G-4-4 of the Code of West Virginia, 1931, as amended, all relating to broadband connectivity; defining terms; requiring engineering reports on available telecommunication cable space; providing for shared costs for the report; requiring notice from pole owner or manager to telecommunication carriers of available space; and requiring notice to pole owner or manager of intent to use any available space.

Referred to the Committee on Economic Development.

**By Senator Trump:**

**Senate Bill 232**—A Bill to amend and reenact §61-11-18 of the Code of West Virginia, 1931, as amended, relating to punishment for second or third offense felony; including imprisonment for federal offenses; and providing that 20 years from the date of release of a person from his or her term of imprisonment or parole resulting from a second felony offense, or the expiration of a period of supervised release resulting from the second felony offense, and not the date of commission of the second felony offense is to be used, when punishment by imprisonment for life may not be considered for a third felony offense.

Referred to the Committee on the Judiciary.

**By Senator Romano:**

**Senate Bill 233**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22m; and to amend said code by adding thereto a new section, designated §18-7A-26x, all relating to a \$1,000 cost-of-living adjustment to certain retirees of the Public Employees Retirement System and the State Teachers Retirement System by June 30, 2022; and providing for the pro rata distribution of the cost-of-living adjustment to certain beneficiaries.

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

**By Senator Romano:**

**Senate Bill 234**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-3-33c, relating to creating a surcharge on fire and casualty insurance policies in order to relieve the burden from municipalities and counties of certain fire-related cleanup and demolition; requiring the assessment of a surcharge on certain policies; creating exceptions; setting forth collection and remittance requirements; authorizing penalties; creating the Political Subdivisions Fire Cleanup Relief Fund; permitting municipalities and counties to apply to the State Treasurer for a disbursement from the fund; authorizing the State Treasurer to disburse funds; and granting rule-making authority.

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

**By Senator Romano:**

**Senate Bill 235**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-9-1, §12-9-2, and §12-9-3, all relating to creating the Corporate Anti-Subsidy Act; permitting West Virginia to enter into the Interstate Compact Agreement Prohibiting Company-Specific Subsidies; and setting a level playing field that would abolish the nationwide practice of company-specific subsidies that currently pits states against one another.



Referred to the Committee on Economic Development; and then to the Committee on the Judiciary.

**By Senator Romano:**

**Senate Bill 236**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-9-25, relating to requiring all eligible voters to perform their civic duty of voting in all general elections; authorizing and requiring the Secretary of State to promulgate related emergency and legislative rules; requiring the Secretary of State to notify all eligible voters of their failure to vote in a general election and request any proposed excuses or exemptions related to this failure; Secretary of State to review any excuses or exemptions; and imposing civil penalties for any failure of an eligible voter to vote in a general election.

Referred to the Committee on the Judiciary.

**By Senator Lindsay:**

**Senate Bill 237**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-30-14a, relating to social workers; and creating a litigation practice license for social workers.

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

**By Senator Stollings:**

**Senate Bill 238**—A Bill to amend and reenact §5-16-7g of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-59-1 of said code, all relating generally to required health insurance coverage for diabetics; providing cost sharing in prescription drugs used for diabetes; defining terms; requiring insurance coverage for prescription insulin drugs; and providing for coverage pursuant to the West Virginia Public Employees Insurance Act.

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

**By Senator Beach:**

**Senate Bill 239**—A Bill to amend and reenact §30-42-10 of the Code of West Virginia, 1931, as amended, relating to requiring persons building residential structures to inform the county board of education of the number of units to be constructed and the estimated number of occupants of those structures; and requiring this information be provided before a building permit may be issued.

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

**By Senator Caputo:**

**Senate Bill 240**—A Bill to amend and reenact §3-3-1 and §3-3-2 of the Code of West Virginia, 1931, as amended, all relating to absentee voting; removing specifications for permission to vote by absentee ballot; and allowing all voters to request and vote by absentee ballot.

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

**By Senator Romano:**

**Senate Bill 241**—A Bill to amend and reenact §5G-1-3 of the Code of West Virginia, 1931, as amended, relating to modifying the procedure certain public agencies must take in order to contract for certain architectural and engineering services; requiring joint discussions with prospective architectural or engineering firms in certain situations; permitting contract proposals with a fee for service from the firms; replacing the single entity negotiations with a competitive low-bid process; and allowing for the public agency to reject all proposed contracts and seek proposals from additional firms.

Referred to the Committee on Government Organization.

**By Senator Sypolt:**

**Senate Bill 242**—A Bill to amend and reenact §8A-7-10 of the Code of West Virginia, 1931, as amended, relating to limiting the

authority to prevent or limit an owner's complete use of natural resources or real property for farm or agricultural operations.

Referred to the Committee on Agriculture and Rural Development.

**By Senators Hamilton and Stover:**

**Senate Bill 243**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding there to a new section, designated §5-5-2a; to amend and reenact §15-2-5 of said code; to amend and reenact §18A-4-2 of said code; and to amend and reenact §18A-4-8a of said code, all relating to pay raises; granting all public employees a 10 percent per year permanent pay increase; requiring that the pay increase be averaged over all public employees; granting a 10 percent pay increase to members of the West Virginia State Police; granting a 10 percent pay increase to public school teachers; granting a 10 percent pay increase to school service personnel; and providing for effective dates.

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

**By Senator Trump:**

**Senate Bill 244**—A Bill to amend and reenact §51-11-6 of the Code of West Virginia, 1931, as amended, relating to the intermediate court of appeals, correcting a typographical error regarding the process for appointing the initial Judges of the Intermediate Court of Appeals; and making this change retrospective to December 27, 2021.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 245**—A Bill to amend and reenact §21-5-3 and §21-5-4 of the Code of West Virginia, 1931, as amended, all relating to revising wage payment and collection; and modifying information related to payroll cards.

Referred to the Committee on the Judiciary.

**By Senator Grady:**

**Senate Bill 246**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-9G-1, §18-9G-2, and §18-9G-3, all relating to requiring the School Building Authority to amend their handbook to require newly constructed public schools and public schools with major improvements to have water bottle filling stations.

Referred to the Committee on Education.

**By Senators Weld, Sypolt, Grady, Smith, Stollings, and Maroney:**

**Senate Bill 247**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29, relating to certified community behavioral health clinics; providing that the state Medicaid agency shall develop, seek approval of, and implement a Medicaid state plan amendment as necessary and appropriate to effectuate a system of Certified Community Behavioral Health Clinics (CCBHCs); providing that the state Medicaid agency, in partnership with the Department of Health and Human Resources' Bureau for Behavioral Health, shall establish a state certification system for CCBHCs; and providing that all nonprofit comprehensive community mental health centers and comprehensive intellectual disability facilities shall be eligible to apply for certification as a CCBHC.

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

**By Senator Phillips:**

**Senate Bill 248**—A Bill to repeal §61-11-2 of the Code of West Virginia, 1931, as amended; to repeal §62-3-15 of said code; to amend and reenact §61-2-2 of said code; to amend said code by adding thereto seven new sections, designated §61-2-2a, §61-2-2b, §61-2-2c, §61-2-2d, §61-2-2e, §61-2-2f, and §61-2-2g; and to amend said code by adding thereto four new sections, designated §62-7-4, §62-7-5, §62-7-6, and §62-7-6a, all relating to the Patrolman Cassie Marie Johnson Memorial Act and the death penalty for first degree murder; providing for procedures, standards, and findings applicable to imposition thereof in certain

instances including aggravating and mitigating circumstances; sentencing; providing automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid (DNA) testing of biological material in death penalty cases; providing for execution of the death sentence by lethal injection; providing for delivery of sentence of death to officer retaining custody of person so sentenced; providing for transmission of indictment, order of conviction, sentence, and judgment entered thereon to the warden of the state correctional facility; transferring of person sentenced to death to the state correctional facility; execution; providing presence of certain persons be requested for the execution; providing for certification that sentence of death has been executed; and providing for disposition of the body.

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

**By Senators Phillips and Stollings:**

**Senate Bill 249**—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to permitting special registration plates for certain persons with medical conditions that may cause erratic behavior; and requiring medical certification that person may operate motor vehicle if properly following dietary restrictions and medical prescriptions.

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

On motion of Senator Weld, the Senate reconsidered the vote by which in earlier proceedings today it passed

**Eng. Senate Bill 9**, Providing continued eligibility for developmental disability services to dependents of military members.

The vote thereon having been reconsidered,

The question again being on the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements,

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

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 9) passed with its title.

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

The following joint resolutions were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Tarr:**

**Senate Joint Resolution 1**—Proposing an amendment to the Constitution of the State of West Virginia, amending section 22, article III thereof, relating to the right to keep and bear arms; prohibiting restriction of this amendment by state or local government; 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.

**By Senator Sypolt:**

**Senate Joint Resolution 2**—Proposing an amendment to the Constitution of the State of West Virginia, amending section six, article III thereof, relating to protecting the electronic communication and data of citizens from unreasonable searches and seizures; 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.

**By Senator Sypolt:**

**Senate Joint Resolution 3**—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption increase; 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.

**By Senator Sypolt:**

**Senate Joint Resolution 4**—Proposing an amendment to the Constitution of the State of West Virginia, amending article III thereof, by adding thereto a new section, designated section 22, relating to the right of farmers and agricultural producers to engage in modern agricultural practices; 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.

**By Senator Nelson:**

**Senate Joint Resolution 5**—Proposing an amendment to the Constitution of the State of West Virginia, amending section three, article VI thereof, relating to limiting the number of years delegates and senators may serve; 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.

**By Senator Karnes:**

**Senate Joint Resolution 6**—Proposing an amendment to the Constitution of the State of West Virginia, amending article III thereof, by adding thereto a new section, designated section 23,

relating to the right to farm and ranch; 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.

**By Senator Smith:**

**Senate Joint Resolution 7**—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to authorizing the Legislature by general law to exempt veterans who are awarded 100 percent service-connected disability from paying all or part of the ad valorem real property taxes on the property comprising their residences; 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.

**By Senator Weld:**

**Senate Joint Resolution 8**—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.

Senator Baldwin offered the following resolution:

**Senate Concurrent Resolution 1**—Requesting the Division of Highways name bridge number 10-061/00-027.81 (10A161), locally known as Armstrong Creek Bridge, carrying West Virginia Route 61 over Armstrong Creek in Fayette County, the "U.S. Army PFC Billy Keith Ford Memorial Bridge".



Whereas, Billy Keith Ford was born on September 28, 1945, in Boomer, West Virginia, to Henry and Juanita Kilburn Ford, into a family of four boys and five girls; and

Whereas, As a boy, Billy Keith Ford spent his time helping in local gardens near the family home and when they were not in the gardens, the family enjoyed camping in West Virginia state parks; and

Whereas, Billy Keith Ford entered the United States Army in 1967 and was deployed to Vietnam on December 23, 1967, at the rank of Private First Class; and

Whereas, PFC Billy Keith Ford was originally assigned to the Fifth Battalion, Seventh Cavalry, as a new battalion of the First Air Cavalry in 1966. As part of this battalion, he was stationed in Thua Thien Province, an area of exceptionally heavy fighting during that time, with more U.S. casualties than in any other province of Vietnam; and

Whereas, PFC Billy Keith Ford and his unit participated in a massive offensive, Operation Pegasus, in April 1968. They liberated ground troops who had been under siege for 78 days and seized tons of enemy supplies and equipment; and

Whereas, PFC Billy Keith Ford and the "5/7 Cav" later interdicted enemy movements to the south and held a dominant position in the A Shau Valley, hindering the enemy's efforts at retreat and reinforcement; and

Whereas, PFC Billy Keith Ford's company came under fire on April 28, 1968, and he was killed in the engagement; and

Whereas, During his time in service, PFC Billy Keith Ford received the Army Combat Infantryman Badge, Marksmanship Badge, National Defense Service Medal, Vietnam Service Medal, the Army Presidential Unit Citation, the Vietnam Gallantry Cross, and the Purple Heart Medal; and

Whereas, PFC Billy Keith Ford's funeral service was held in the Mount Carbon Community Church on Sunday, May 12, 1968,

and he was laid to rest in Montgomery Memorial Park in London, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army PFC Billy Keith Ford and his contributions and sacrifice to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 10-061/00-027.81 (10A161), locally known as Armstrong Creek Bridge, carrying West Virginia Route 61 over Armstrong Creek in Fayette County, the "U.S. Army PFC Billy Keith Ford 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 "U.S. Army PFC Billy Keith Ford 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 Phillips offered the following resolution:

**Senate Concurrent Resolution 2**—Requesting the Division of Highways name bridge number 23-10/7-0.01(23A048), locally known as the Gillman Bottom Bridge, carrying CR 10/7 over Huff Creek in Logan County the "John B. Short Memorial Bridge".

Whereas, John B. Short was born in 1923, the son of LeRoy and Linda Jackson Short of Davin, West Virginia. He was a graduate of Man High School in 1942 and enlisted in the U. S. Army Air Corps in 1943, where he served until 1946; and

Whereas, After completing electrician training in Michigan, John B. Short returned to West Virginia and married Ruby K. Nunley. They had seven children; and

Whereas, John B. Short worked as Chief Electrician with Pittston Coal Company until he retired in 1986; and

Whereas, John B. Short was an avid outdoorsman, hunter, and fisherman; and

Whereas, John B. Short passed away in 2008; and

Whereas, It is fitting that an enduring memorial be established to commemorate John B. Short and his contributions to his community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-10/7-0.01(23A048), locally known as the Gillman Bottom Bridge, carrying CR 10/7 over Huff Creek in Logan County, the "John B. Short 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 "John B. Short 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 Phillips offered the following resolution:

**Senate Concurrent Resolution 3**—Requesting the Division of Highways name bridge number 23-017/09-000.06 (23A054), (37.94149, -81.82224), locally known as Clothier Box Beam, carrying CR 17/9 over Spruce Fork in Logan County, the "U.S. M.C. CAPT Dempsey Stowers Memorial Bridge".

Whereas, Dempsey Stowers, a native of Bulger, West Virginia, was born September 7, 1941, and died February 23, 2020; and

Whereas, Dempsey Stowers proudly joined the U.S. Marine Corps in 1960. He served as a signal intelligence/electronic warfare officer; and

Whereas, Dempsey Stowers retired from the U.S. Marine Corps after 23 years, earning the rank of captain; and

Whereas, CAPT Dempsey Stowers obtained numerous medals for his exceptional service, including the National Defense Medal, Armed Forces Expeditionary, Republic of Vietnam Campaign, Navy Union Citation, Navy Achievement Medal, Vietnam Service Medal with three stars, Meritorious Unit Commendation, Sea Service Deployment Ribbon, Navy Commendation Medal, Meritorious Service Medal, Republic of Vietnam Meritorious Unit Citation, and three letters of Commendation; and

Whereas, Upon retirement from service, CAPT Dempsey Stowers returned home to West Virginia, where he and his wife, Judy Stowers, raised their family; and

Whereas, CAPT Dempsey Stowers was active in his community and church, where he was widely known as a leader and an exemplification of service; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. M.C. CAPT Dempsey Stowers and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-017/09-000.06 (23A054), (37.94149, -81.82224), locally known as Clothier Box Beam, carrying CR 17/9 over Spruce Fork in Logan County, the "U.S. M.C. CAPT Dempsey Stowers 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 "U.S. M.C. CAPT Dempsey Stowers 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.

Senators Phillips and Stollings offered the following resolution:

**Senate Concurrent Resolution 4**—Requesting the Division of Highways name bridge number 23-016/01-000.87 (23A078), locally known as Right Fork Buffalo Creek Bridge 3, carrying CR 16/1 over the Right Fork of Buffalo Creek in Logan County, the "U.S. Army SP4 Warner Ray Osborne Memorial Bridge".

Whereas, Warner Ray Osborne was born on January 2, 1943, to Elmer and Ruth Osborne in Three Forks, Logan County, West Virginia; and

Whereas, Warner Ray Osborne died on June 12, 2019, a life-long resident of Logan County; and

Whereas, Warner Ray Osborne enlisted in the U.S. Army on July 24, 1961, and completed Basic Combat Training at the Airborne School in Fort Campbell, Kentucky; and

Whereas, Warner Ray Osborne worked as an Army lineman, attained the rank of SP/4 E-4 (T), and received an Expert Badge for Rifle, letter of Commendation, and a Parachutist Badge during his service before his honorable discharge on July 23, 1964; and

Whereas, Following his military service, SP4 Warner Ray Osborne returned to the Accoville area of Logan County, West Virginia, where he worked in coal mining for more than 30 years and cared for his family, including his wife of 47 years, Quindora Marie Linville Osborne; and

Whereas, SP4 Warner Ray Osborne and Quindora Marie Linville Osborne had three daughters: Darlene Sue Osborne Davis, Melissa "Lisa" Osborne Gentry, and Kristy Bragg; several grandchildren and great-grandchildren; and

Whereas, SP4 Warner Ray Osborne served his country with honor and was cherished by his family, friends, and community; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army SP4 Warner Ray Osborne for his contributions to our state and country, and to his community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-016/01-000.87 (23A078), locally known as Right Fork Buffalo Creek Bridge 3, carrying CR 16/1 over the Right Fork of Buffalo Creek in Logan County, the "U.S. Army SP4 Warner Ray Osborne 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 "U.S. Army SP4 Warner Ray Osborne 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 Azinger offered the following resolution:

**Senate Concurrent Resolution 5**—Requesting the Division of Highways name bridge number 54-068/00-009.73 (54A259), (39.19674, -81.65356) locally known as Race Track Bridge, carrying WV Route 68 over the North Fork of Lee Creek in Wood County, the "U.S. Marine Corps CPL James 'Bud' Cox Memorial Bridge".

Whereas, James "Bud" Cox was born on May 25, 1946, in Parkersburg, West Virginia, the son of James Blake Cox and Betty Jane Cox; and

Whereas, James "Bud" Cox and his lifelong friend, Joseph A. Memel grew up playing under the bridge located at WV Route 68 South across from the local racetrack, which is now being replaced with the bridge being requested herein to be named in honor of James; and

Whereas, James "Bud" Cox graduated from Parkersburg High School with the Class of 1965. While in high school he was a member of the woodworking club and a student in home room #120; and

Whereas, James "Bud" Cox and his friend, Joseph A. Memel, enlisted together in the U.S. Marines on December 14, 1965. James "Bud" Cox took his boot camp training at Parris Island and infantry training at Camp Lejuene. He was stationed in Cuba before being issued orders for Vietnam; and

Whereas, When CPL James "Bud" Cox arrived in Vietnam on May 14, 1967, he was assigned to Weapons with 3rd Platoon, Echo Company, 2nd Battalion, 3rd Marine Regiment, 3rd Marine Division; and

Whereas, CPL James "Bud" Cox received shrapnel wounds to his leg from a mortar round on May 24, 1967, in the vicinity of Gio Linh District. He was medevacked to and recovered aboard the USS Princeton, and returned to the field June 10, 1967; and

Whereas, On December 28, 1967, CPL James "Bud" Cox was serving as a machine gun squad leader with the E Company Weapons Platoon, 2nd Battalion 3rd Marines. Echo Company was conducting a sweep of Quang Nam Province when they made heavy contact with a large force with the North Vietnamese Army Corps and he was fatally wounded by a mine/booby trap during combat at LZ Hawk, Bao An Dong, Go Noi Island, during Operation Auburn. Where he later died from his wounds; and

Whereas, At the time of his death, CPL James "Bud" Cox was 21 years old and had served in Vietnam for seven months and 14 days. For his very short time of service, he received two Purple Hearts for his courageous acts of valor; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Marine Corps CPL James "Bud" Cox and his sacrifice to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 54-068/00-009.73 (54A259), (39.19674, -81.65356) locally known as Race Track Bridge, carrying WV Route 68 over the North Fork of Lee Creek in Wood County, the "U.S. Marine Corps CPL James 'Bud' Cox 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 "U.S. Marine Corps CPL James "Bud" Cox 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.

Senators Phillips, Caputo, and Stollings offered the following resolution:

**Senate Concurrent Resolution 6**—Requesting the Division of Highways name bridge number 23-018/00-000.74 (23A084), currently known as the Holden Box Beam, carrying County Route 18 over Copperas Mine Fork in Holden, Logan County, the "Holden 22 Coal Miners Memorial Bridge".

Whereas, The production of coal has brought a livelihood to many people in the state of West Virginia, but at times it has also come at a great cost to the miners and their families. A single disaster in a mine may impact an entire community with grief to be felt in many families for generations; and

Whereas, The community of Holden, West Virginia, was hit by such a tragedy on March 8, 1960, when a fire ignited during the



day shift in the tunnels of the Island Creek Coal Company Number 22 Mine, commonly known as the Holden 22 Mine; and

Whereas, Shortly after 8:00 a.m., a large fire broke out near the 3 Left Overcast deep within the mine. Mine crews immediately positioned fire-fighting equipment – including a water car, an 80-gallon chemical truck, and high-pressure rock dusting equipment – at the site, but they could make very little headway against the large, hot fire. There was a massive rockfall as several of the wooden timbers collapsed, blocking off 200 feet of passageway, and, soon after, the power was cut off inside the mine; and

Whereas, Twenty men were trapped behind the fire and rockfall, but they also attempted to extinguish the fire and they tried to determine the best way to exit the mine via other slopes or entries. After discussion with the section foreman and the safety engineer, two men, Kyle Blair and Willis Carter, then attempted to reach the 3 Left Entries to the mine through a small opening, with a plan to open large airlock doors to "short circuit" the air and smoke away from the fire. It took these two men hours to make their way as they had to crawl through other areas of fallen rock, dense smoke, and noxious air, but they did manage to reach the entrance. They would be the only two of the trapped miners to make it out alive; and

Whereas, Teams of state and federal inspectors, company officials, rescue crews, and first responders arrived at the mine that afternoon and quickly assessed the situation. Rescue work began immediately as these crews explored access into the mine by way of alternate entrances and they continued efforts to fight the fire at its source. These efforts persisted through the night and into the next day; and

Whereas, Families of the miners and first responders gathered outside the main entrance of the mine while crews inside ran water lines and air hoses into the mine, constructed stoppings, checks, and line curtains to control the flow of air away from the fire. Rockfalls and the need to carefully manage the flow of air, left almost no open, travelable openings to the fire, all of which impeded the rescue effort; and

Whereas, Over the next seven days the crews made heroic efforts, at considerable risk to themselves, to reach the trapped miners. They were hindered by the intense heat of the fire, collapsed ceilings, and, as one rescuer stated, "smoke so thick you could poke a hole in it with your finger"; and

Whereas, Rescue crews first reached trapped miners on March 15, 1960, discovering a group of 14 men, all of whom appeared to have been overcome by carbon monoxide from the fire. The next day, two more deceased miners were found and, the day after that, two more were discovered, with the body of the last victim brought to the surface at 4:45 p.m., on March 17, 1960; and

Whereas, Fifty-three mineworkers entered the mine on day shift the morning of March 8, 1960, but the following eighteen men did not make it out alive and were never to see their families and friends again:

Charles Adams

Berti Horvath

Frank Ardis

Flint Lock Jarrells

Ernest Bevins

Albert Marcum, Jr.

Okey Bryant

Melvin Newsome

James Carter

Isom Ooten

Josh Chafin, Jr.

James Lundell

Roy Lee Dempsey

Orville Sargent

William Donaldson

Clyde White

Garfield Hensley

Louis Workman; and

Whereas, It is fitting that an enduring memorial to be established commemorate the 18 miners who perished in this disaster and the selfless dedication of the many miners, rescue teams, and first responders in their efforts; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-018/00-000.74 (23A084), currently known as the Holden Box Beam, carrying County Route 18 over Copperas Mine Fork in Holden, Logan County, the "Holden 22 Coal Miners 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 "Holden 22 Coal Miners 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 Hamilton offered the following resolution:

**Senate Concurrent Resolution 7**—Requesting the Division of Highways name bridge number 42-219/00-030.96 (42A136), (38.80906, -79.88206) locally known as Burnt Bridge, carrying US 219 over Tygart Valley River in Randolph County, the "James 'Big Jim' Shaffer Memorial Bridge."

Whereas, James Shaffer, known in his community as "Big Jim", was born on October 5, 1943, in East Dailey, West Virginia, where he was raised by his grandparents, Sterl and Vida Gear; and

Whereas, In 1958, James Shaffer joined the Tygart Valley Fire Company at the age of 15; and

Whereas, In 1968, James Shaffer assumed the position of Chief of the Tygart Valley Fire Company; and

Whereas, During James Shaffer's time as chief, the Tygart Valley Fire Company built two new stations and purchased updated trucks and equipment to expand their services to the community; and

Whereas, James Shaffer participated in a variety of community activities during his time as a member and Chief of the Tygart Valley Fire Company, including aiding the former Valley Water Company with line repairs, searching for line breaks, providing traffic control, assisting the former Coastal Lumber Company with silo fires and brush fires, and putting on safety demonstrations for the children at the former Homestead Elementary School; and

Whereas, James Shaffer, while serving as a member and chief of the Tygart Valley Fire Company, responded to a wide array of calls, including structure fires, motor vehicle accidents, downed trees, CPR, searching for missing individuals, and mutual aid calls; and

Whereas, James Shaffer, both as a member and Chief of the Tygart Valley Fire Company, organized many fundraisers to raise money for the department, including Porch Light Drives, in which community members would turn on their porch lights to alert the fire company to collect their donations as the members walked through the Dailey, East Dailey, and Valley Bend communities; and

Whereas, In 2003 and 2004, James Shaffer wrote two Federal Emergency Management Agency grants that provided over \$165,000 for the Tygart Valley Fire Company, which helped pay

for over 30 sets of personal protective equipment, including bunker coats, bunker pants, boots, gloves, and Nomex hoods; and

Whereas, James Shaffer retired from the Tygart Valley Fire Company in 2006 after 48 years of volunteer service to his community and beyond; and

Whereas, Sadly, James Shaffer passed away on December 18, 2012, and is survived by his wife and his daughter; and

Whereas, James Shaffer exemplified what it means to be a true community leader and a role model for all those in the community and across West Virginia; and

Whereas, For these reasons it is fitting that an enduring memorial be established to commemorate James "Big Jim" Shaffer and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number: 42-219/00-030.96 (42A136), (38.80906, - 79.88206) locally known as Burnt Bridge, carrying US 219 over Tygart Valley River in Randolph County, the "James 'Big Jim' Shaffer Memorial Bridge"; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is requested to have made and be placed signs identifying the bridge as the "James 'Big Jim' Shaffer Memorial Bridge"; and, be it

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

Which, under the rules, lies over one day.

Senators Hamilton and Karnes offered the following resolution:

**Senate Resolution 4**—Urging the Army Corps of Engineers (USACE) to support hydroelectric power generation by moving

forward in an expeditious manner with a study to increase clean energy production at City of Summersville's Hydroelectric Project installed on Summersville Dam and urging efforts by others to also encourage hydroelectric power production in West Virginia.

Whereas, The Summersville Hydroelectric Project utilizes the Summersville Dam, which forms Summersville Lake on the Gauley River in West Virginia; and

Whereas, The Summersville Dam is operated by the USACE, which controls the amount, timing, and the rate of water released from the dam; and

Whereas, The Summersville Lake Modification Study, USACE, Huntington District, September 30, 1982, indicates the head pond winter pool elevation could be raised from an elevation of 1575 feet MSL to an elevation of 1637 feet MSL to create additional pressure to produce hydroelectric power without additional construction or significant downstream issues; and

Whereas, The study also indicates changes to the management of the release of stored storm water, which is currently bypassing the hydroelectric facility, could be released more slowly and thereby utilized for additional power generation; and

Whereas, On December 21, 2020, the Water Resources Development Act, HR133, authorized USACE to conduct an evaluation to consider operational changes at non-federally operated hydropower for the purpose of increasing power generation; and

Whereas, Renewable Energy Credits could be re-established and utilized in West Virginia in support of renewable energy including hydroelectric power; and

Whereas, Power purchase agreement rates in West Virginia are set and approved by the Public Service Commission at avoided cost rates for utility companies and could be changed to recognize the value and contribution of clean green hydroelectric energy; and

Whereas, Recent winter and summer power outages across the country have made it clear that all avenues of electric power generation are vital to ensuring an affordable, reliable, and resilient electric power grid; and

Whereas, The City of Summersville's hydropower generation at Summersville Dam is capable of providing a more continuous flow of clean baseline energy to support a sustainable, affordable, reliable, and resilient electric power grid; and

Whereas, When economically feasible other reservoirs in West Virginia, including Bluestone Lake, Sutton Lake, and Tygart Lake, could be used to expand West Virginia's hydroelectric power generation in the future; and

Whereas, The West Virginia Senate and its committees may begin to study the foresaid subject matter in support of hydroelectric energy and its value to the West Virginia economy; therefore, be it

*Resolved by the Senate:*

That the West Virginia Senate hereby urges USACE to support hydroelectric power generation by moving forward in an expeditious manner with a study to increase clean energy production at City of Summersville's Hydroelectric Project installed on Summersville Dam and urging efforts by others to also encourage hydroelectric power production in West Virginia; and, be it

That the West Virginia Senate urges the USACE to begin moving without further delay with a review and study to address the foresaid issues and ultimately allow for an increase in hydroelectric energy production, which will provide a more continuous source of baseload energy; and, be it

*Further Resolved,* That the West Virginia Senate urges the West Virginia Public Service Commission to consider and recognize the true environmental value of increasing hydroelectric energy production for baseload energy to the power grid by

considering setting electric purchase power rates above the avoided cost; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the Army Corps of Engineers, at both its Huntington District Office and Washington, D.C. headquarters office, to the West Virginia Public Utility Commission, and to the members of West Virginia's Congressional Delegation.

Which, under the rules, lies over one day.

Senators Baldwin, Roberts, Beach, Caputo, Woelfel, Plymale, Stollings, Lindsay, Jeffries, Brown, Romano, and Smith offered the following resolution:

**Senate Resolution 5**—Designating January 12, 2022, Prevention Day at the Legislature.

Whereas, West Virginia families and communities, along with the rest of the nation, continue to face the public health crisis of substance use disorder; and

Whereas, In West Virginia, substance use disorder has affected nearly every family; and

Whereas, In 2020, 110.8 million doses of Schedule II, III, IV, and V drugs were dispensed, 75.5 million of which were opioids; and

Whereas, 1,336 West Virginians lost their lives by overdose in 2020; 1,136 of them due to opioids—a situation only made worse by the COVID-19 pandemic; and

Whereas, West Virginia organizations, universities, agencies, churches, individuals, and communities have come together to address this crisis in many forms, from quick response, treatment, and recovery to prevention; and

Whereas, Six regional Prevention Lead Organizations comprise the Prevention First Network, whose goal is to prevent



the onset of mental, emotional, behavioral, and substance use related problems; and

Whereas, The Prevention First Network focuses on drug use prevention as an integral part of the continuum of care and a critical part of thriving communities; and

Whereas, Certified prevention specialists work with communities to address challenges with substance use and access to services, helping communities address them with evidence-based and culturally responsive practices; and

Whereas, Evidence-based prevention interventions are cost-effective, decreasing costs related to substance use disorder treatment, substance use related crime, lost work productivity, and related healthcare costs; and

Whereas, The Prevention First Network leverages available federal funding to accomplish their mission; and

Whereas, The Prevention First Network seeks to understand the science of addiction and address root problems to prevent all forms of substance use disorder; and

Whereas, The Legislature has previously commended citizens in recovery from substance use disorder but has not as often recognized the professionals and volunteers who seek to prevent the disorder; therefore, be it

*Resolved by the Senate:*

That's the Senate hereby designates January 12, 2022, as West Virginia Prevention Day at the Legislature; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of the Prevention First network.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Tarr and Baldwin.

At the request of Senator Tarr, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of the Honorable Jim Justice, Governor of West Virginia, who is seriously ill.

Pending announcement of a meeting of a standing committee of the Senate and a minority party caucus,

On motion of Senator Weld, at 1:37 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 5:12 p.m. and, at the request of Senator Weld, unanimous consent being granted, returned to the third order of business.

### **Executive Communications**

Senator Blair (Mr. President) presented the following communication from His Excellency, the Governor, submitting the executive budget, which was received and read by the Clerk:



*Jim Justice*  
Governor of West Virginia

January 12, 2022

EXECUTIVE MESSAGE NO. 1  
SECOND REGULAR SESSION

The Honorable Craig Blair  
West Virginia Senate  
State Capitol  
Charleston, WV 25305

Dear President Blair:

I herewith submit, pursuant to the Constitution of the State of West Virginia,  
a budget and budget bill for the fiscal year beginning July 1, 2022.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice  
Governor

JJ/mh

Senator Blair (Mr. President) then laid before the Senate the following communication from His Excellency, the Governor, concerning the condition of the state, which was received:



*Jim Justice*  
*Governor of West Virginia*

January 12, 2022

Dear Mr. President, Mr. Speaker, and distinguished members of the West Virginia Legislature:

In times the likes of which we have never seen before, and with this message being conveyed in a manner it has never been before, I am happy to report to you that the State of our State has never been stronger.

With this message, I am also delivering my FY2023 budget, which I am incredibly proud to say is essentially flat for the fourth year in a row, which includes a third historic pay raise for our state employees.

I sincerely apologize for not being able to be with you in person to deliver these remarks. As we prepare to embark on the third year of the coronavirus pandemic, I regret to inform you that last evening I tested positive for COVID-19. While I was surprised that my test results came back positive, I am thankful to the Lord above that I have been vaccinated, I have been boosted, and that I have an incredible support system, especially my loving family. For this to happen just one night before the State of the State – knowing I am not able to be there – saddens me. There are so many great things happening in West Virginia right now that I am excited to share with you.

We have proved that the rocket ship ride I promised the people of West Virginia is real. We have set records with our revenue growth. Our employment numbers are the best they have been in state history. Tourism in West Virginia is exploding – every travel publication says our state is the place to be. And we have accomplished all this while responding to a once-in-a-lifetime pandemic.

People are more excited than ever to be in West Virginia. From April 2010 to July 2019, more than 43,000 people moved out of the state. But things are changing. People are moving here instead of leaving. Businesses are moving here and expanding operations here. From 2020 through 2021, net migration is up in West Virginia for the first time in decades, with over 2,000

## OFFICE OF THE GOVERNOR

people moving into our state, making West Virginia one of the top states in the entire nation that people are moving into on a percentage basis.

We are shedding our image of being uneducated, dusty, poor, and backward. We are shedding our image of being bankrupt and a place business cannot operate because of our legal system. Together, we will continue to shed the dead weight that has been holding us back for years so we can continue to climb higher and higher on our journey to prosperity in West Virginia.

After concluding FY2021 with a \$413 million revenue surplus despite the effects of the COVID-19 pandemic on the state's economy, we continue to achieve surplus after surplus. Halfway through FY2022, year-to-date collections of nearly \$2.650 billion are \$475 million above estimate.

Our unemployment rate has dramatically declined from 7.1% in January 2021 to 4.0% today, the lowest rate recorded in all of state history. These figures represent over a 60% improvement in West Virginia's unemployment rate, which is now one of the lowest in the nation.

Last year, you honored me with approving my request to create a separate Department of Economic Development and to elevate this position to that of a Cabinet Secretary. The purpose of this was to provide a laser focus on job recruitment and broadband expansion. The new Department of Economic Development is operating efficiently and achieving incredible success.

In 2021, more than \$1.1 billion was invested in West Virginia by 39 different companies through Economic Development efforts and activities. This led to the creation of more than 1,330 new jobs, while retaining more than 6,400 additional jobs in the state. In the calendar year of 2021 – the first year of the Department of Economic Development – total employment in West Virginia has increased by over 36,000 jobs.

I want to express my support for your plan to get more marketable business-ready sites in West Virginia. Our Department of Economic Development needs the tools and flexibility to get potential industrial and business sites ready for companies looking at our state. Then we can pitch more companies to locate here, knowing the groundwork is already in place.

We are continuing to recruit world-class companies to our state as shown in three major announcements today. Nucor Corporation announced today that they selected Mason County as the location for a state-of-the-art sheet steel mill. This record investment will exceed \$2.7 billion, making it the largest in West Virginia history, as well as the largest single investment Nucor has ever made. Nucor is going to be a key part of West Virginia's DNA long into the future.

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Also this morning, GreenPower Motor Company announced an agreement with the state to manufacture zero-emission, all-electric school buses in South Charleston, bringing hundreds of new jobs and millions of dollars in economic impact to West Virginia. Their operation will bring up to 200 new jobs to the state when manufacturing begins later this year, with the potential workforce to eventually reach up to 900 new jobs when full production is reached in 24 months. As we continue to diversify our economy, manufacturing these zero-emission school buses in West Virginia will open up a world of opportunities for our state.

Finally, this afternoon we announced that Owens & Minor, a Fortune 500 company that provides medical supplies, is going to expand on a deal they previously had with WVU Medicine and create over 125 jobs at a healthcare products preparedness and supply center in Morgantown. Together with the state, Owens & Minor will invest an estimated \$50 million in West Virginia. The COVID-19 pandemic has taught us all that preparedness and resiliency are incredibly important, so this partnership is more than just another business deal, it will have real-world positive benefits for all West Virginians.

These announcements are historic, but incredibly, they are just the beginning. West Virginia is finally competing on the world stage and we are all witnessing the results firsthand.

For the fourth year in a row, I am proposing an essentially flat budget, which includes a third historic pay raise and Inflatocine for our state employees. My budget is only 1.4% higher than last year, far below the 7% inflation rate being seen across our country. We are not dipping into the Rainy Day Fund, which I am proud to report now has over \$1 billion in funding! We are blessed as a state with the flexibility to fund projects out of our surplus funds without building the base of our budget into the future.

We are all aware of the effect inflation has had on all West Virginians. Today, it was reported that the consumer price index rose 7% in the month of December, according to the U.S. Labor Department. This is the fastest increase since June 1982, when inflation hit 7.1%. My proposed Inflatocine will help West Virginians who are hurting when they go to the gas pump or the grocery store. I need your support to pass this one-time pay supplement for our hardworking state employees, teachers, and service personnel.

West Virginia continues to lead the way with our response to the COVID-19 pandemic. As the first state in the U.S. to offer the vaccine to every single one of our seniors in nursing homes, I have championed the vaccines from the very beginning. Despite being COVID-positive myself, I believe that my symptoms would have been much worse if I were not fully vaccinated and boosted. I know in my heart that the more we have vaccinated, the less will die.

## OFFICE OF THE GOVERNOR

At the same time, however, we have struck the right balance to make sure our people do not fragment. I stand rock-solid behind our people being able to make that important medical choice for themselves in consultation with their doctor. I do not believe that anyone should be required to get vaccinated to continue collecting a paycheck and put food on the table for their family. Instead of forcing people to get the vaccine, we created incentives to excite people and get them across the finish line. Our Do it for Babydog vaccination sweepstakes was one of the most well-known vaccine incentive programs in the entire country.

Today, we are leading the way for the nation yet again. Last week, I sent a letter to President Joe Biden, asking him to direct the FDA and CDC to authorize West Virginia to begin offering a fourth dose of the vaccine to certain at-risk citizens four months after their first booster. West Virginia was the first state in the nation to make this request. We will continue to be the light in the dark, until this pandemic is behind us once and for all.

We continue to feed investment in our food banks. Fighting food insecurity has always been a big priority of mine. But it has been especially important during the pandemic. That is why I am incredibly proud to report that, in 2021 alone, we provided millions of support to food banks across West Virginia! Thanks to your help in the Legislature, we were able to put \$1 million into last year's budget for our state's two biggest food banks, and I will be respectfully requesting the same amount in my FY2023 budget.

Using the same responsible and conservative approach that we have utilized in recent years, my flat budget proposal will take care of all of our citizens, while allowing us to continue building upon our momentum right now in West Virginia.

We are going to continue to make education our centerpiece by investing in our greatest treasure – our children.

We are going to continue funding Communities In Schools because it's working, and impacting over 70,000 West Virginia students each year.

We are going to continue to pave the Roads to Prosperity by funding much-needed road repairs and infrastructure projects.

We are going to keep supporting our life-changing Jobs & Hope program that continues to rescue West Virginians from the pits of addiction and allows them to re-enter society with a renewed purpose and outlook, and – as always – we are going to continue to invest in economic development all across our state, letting the outside world know that West Virginia is the diamond in the rough that everyone has missed.

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I hope this provides a picture of all the incredible things we are achieving, and will continue to achieve. But our accomplishments in West Virginia – the rocket ship ride that continues everyday – cannot be captured in a few short pages. That is why I would like to humbly and formally request to you, Mr. President and Mr. Speaker, a joint session of your bodies at a time after I have completed my recovery when I can deliver my full address in person and we can all celebrate the incredible State of our State together.

God bless all of you, and God bless the Great State of West Virginia.



Jim Justice  
Governor, State of West Virginia



The Senate proceeded to the sixth order of business.

The following bill was introduced, read by its title, and referred to the appropriate committee:

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

**Senate Bill 250**—A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution.

Referred to the Committee on Finance.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Weld, at 5:16 p.m., the Senate adjourned until tomorrow, Thursday, January 13, 2021, at 11 a.m.

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## THURSDAY, JANUARY 13, 2022

The Senate met at 11:02 a.m.

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

Prayer was offered by the Honorable Rollan A. Roberts, a senator from the ninth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Eric J. Tarr, a senator from the fourth district.

Pending the reading of the Journal of Wednesday, January 12, 2022,

At the request of Senator Geffert, 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 sixth order of business.

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

**By Senator Roberts:**

**Senate Bill 251**—A Bill to amend and reenact §21A-10-4 of the Code of West Virginia, 1931, as amended, relating to unemployment compensation records and reports; providing for the preservation of such records and reports; providing for the making of copies of reports and records, as well as their admissibility; dealing with their destruction and the appropriateness for doing so; and providing for a civil or criminal penalty for noncompliance.

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

**By Senator Trump:**

**Senate Bill 252**—A Bill to repeal §23-2-6a of the Code of West Virginia, 1931, as amended; to amend and reenact §23-2-6 and §23-2-8 of said code; and to amend and reenact §23-4-2 of said code, all relating to workers' compensation; providing for exemption of contributing employers from liability; providing that the rights of employees to benefits for work injuries are exclusive of all other rights and remedies; providing for liability of employers electing not to pay or defaulting in payment of premiums and prohibiting certain common-law defenses, with exceptions; exceptions; and denying benefits to employees for self-inflicted injuries.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 253**—A Bill to amend and reenact §3-1-5 of the Code of West Virginia, 1931, as amended, relating to voting precincts and redistricting; designating the Secretary of State as

this state's liaison to the U.S. Census Bureau for purposes of redistricting phases for the federal decennial census; requiring county commissions to submit information to the Secretary of State relating to precinct updates; and providing other responsibilities of the county commissions and Secretary of State relating to maps and accompanying technical files, business hours and availability of information to the public for inspection.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 254**—A Bill to amend and reenact §17C-5-1 of the Code of West Virginia, 1931, as amended, relating to clarifying the offense of vehicular homicide; changing negligent homicide to vehicular homicide; and adding a misdemeanor offense for when a person dies within a year as a proximate result of driving in a negligent manner.

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

**By Senators Phillips, Grady, Martin, Maynard, and Smith:**

**Senate Bill 255**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6D-2-1, §6D-2-2, §6D-2-3, §6D-2-4, §6D-2-5, §6D-2-6, §6D-2-7, §6D-2-8, §6D-2-9, §6D-2-10, §6D-2-11, §6D-2-12, §6D-2-13, §6D-2-14, §6D-2-15, §6D-2-16, and §6D-2-17, relating to state contracts with and investments in certain companies that boycott energy companies.

Referred to the Committee on Energy, Industry, and Mining.

**By Senator Lindsay:**

**Senate Bill 256**—A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating to prohibiting civil rights violations based on disability, gender identity, or sexual orientation; criminal penalties; when evidence of constitutionally protected speech or associations is not admissible in criminal prosecutions; exceptions; providing for sentencing alternatives for

persons convicted of violations; and designating amendments to this section as "Angel's Law".

Referred to the Committee on the Judiciary.

**By Senator Lindsay:**

**Senate Bill 257**—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to increasing salaries for members of the West Virginia State Police.

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

**By Senator Lindsay:**

**Senate Bill 258**—A Bill to amend and reenact §6B-2-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting members of the Legislature and part-time public officials from having an interest in public contracts under certain circumstances; requiring certain disclosures; and requiring the Ethics Commission to conduct oversight and make a public statement in certain circumstances.

Referred to the Committee on Government Organization.

**By Senator Lindsay:**

**Senate Bill 259**—A Bill to amend and reenact §61-5-27 of the Code of West Virginia, 1931, as amended, relating to removing the requirement for the likelihood of imminent lawless action of a violent nature that could cause bodily harm to the prerequisites for the crime of intimidation and retaliation.

Referred to the Committee on the Judiciary.

**By Senator Lindsay:**

**Senate Bill 260**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-26a, relating to mandating extended supervision for defendants convicted of stalking and related felonious acts; relating to establishing the start date of such extended supervision; relating to the monitoring procedure; relating to modifications or revocations of extended supervision; relating to violations during

extended supervision; and relating to delayed extended supervision.

Referred to the Committee on the Judiciary.

**By Senators Nelson, Phillips, and Rucker:**

**Senate Bill 261**—A Bill to amend and reenact §18-20-11 of the Code of West Virginia, 1931, as amended, relating to requiring video cameras in certain special education classrooms; allowing school principal to designate another school administrator to be the custodian of the video camera, all recordings of the camera, and access to those recordings; modifying provisions pertaining to the amount of time a video is required to be retained; clarifying that the principal or other designated school administration is not required to view the video recording absent an authorized request or suspicion of an incident; removing prohibition against allowing regular, continuous, or continual monitoring of video recording; allowing the school principal or other school administration designee to view a video recording; modifying provisions pertaining to the viewing of a video recording by a law-enforcement officer or the Department of Health and Human Resources; requiring a public school or school district to allow a judge, counsel, or other legal entity to view a video recording in certain instances; requiring certain incidents to be reported pursuant to code section mandating reporting of suspected child abuse and neglect; and providing that cameras in special education classrooms section only applies to cameras installed pursuant to that section.

Referred to the Committee on Education.

**By Senator Phillips:**

**Senate Bill 262**—A Bill to amend the Code of West Virginia, 1931, as amended, by creating a new section, designated §12-1-15, relating generally to financial institutions engaged in boycotts of energy companies; defining terms; authorizing the State Treasurer to prepare, maintain, and publish a list of financial institutions engaged in boycotts of energy companies; requiring the Treasurer to post the list on his or her website and submit the list to certain public officials; setting forth sources of information on which the

Treasurer may rely in preparing the list; requiring the Treasurer to send written notice to a financial institution of its inclusion on the list; requiring the Treasurer to remove a financial institution from the list if it presents information demonstrating that it is not engaged in a boycott of energy companies; authorizing the Treasurer to exclude financial institutions on the list from the selection process for state banking contracts; authorizing the Treasurer to refuse to enter into a banking contract with a financial institution on the list; authorizing the Treasurer to require, as a term of a banking contract, an agreement by the financial institution not to engage in a boycott of energy companies; and limiting liability of public officials, public employees, and members or employees of financial institutions for actions taken in compliance with the new code section.

Referred to the Committee on Energy, Industry, and Mining.

**By Senator Roberts:**

**Senate Bill 263**—A Bill to amend §17E-1-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17E-1-9a, all relating to testing and qualifying for a Commercial Driver's License; granting the power to the commissioner of motor vehicles to authorize third parties, public and private, to administer skills testing; authorizing the commission to set limits on fees charged for testing of applicants; and providing a limitation on the liability of driver examiners.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 264**—A Bill to amend and reenact §19-21A-1 of the Code of West Virginia, 1931, as amended; to repeal §19-21A-2 of said code; and to amend and reenact §19-21A-3, §19-21A-4, §19-21A-6, and §19-21A-8 of said code, all relating to conservation districts; providing for a title of the article to be known as the "Conservation Districts Law of West Virginia"; providing for legislative determinations; providing for revised definitions; modifying the process for elections and for the filling

of vacancies; and providing an updated process for public meetings.

Referred to the Committee on Natural Resources; and then to the Committee on Government Organization.

**By Senator Weld:**

**Senate Bill 265**—A Bill to amend and reenact §11-21-3 of the Code of West Virginia, 1931, as amended, relating to the personal income tax by exempting certain irrevocable trusts from the personal income tax.

Referred to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 266**—A Bill to amend and reenact §61-7-2 of the Code of West Virginia, 1931, as amended, relating to adding definition of "ammunition" for purposes of obtaining state license to carry concealed deadly weapon.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 267**—A Bill to amend and reenact §18-5-13 of the Code of West Virginia, 1931, as amended, relating to the transportation of students.

Referred to the Committee on Education.

Senators Phillips and Stollings offered the following resolution:

**Senate Concurrent Resolution 8**—Requesting the Division of Highways name a portion of County Route 30/1, beginning at (38.239066), (-82.192876) and ending at (38.239066), (-82.200978), locally known as Sheridan Road, in Lincoln County, the "U.S. Army SGT Charles L. Toppings Memorial Road".

Whereas, Charles L. Toppings was born in Man, West Virginia, on October 13, 1930, the son of Sesco and Elva Toppings; and

Whereas, Charles L. Toppings was a graduate of Hamlin High School and entered the U.S. Army; and

Whereas, SGT Charles L. Toppings served in Company C, 72nd Tank Battalion, 2nd Infantry in Korea; and

Whereas, On May 18, 1951, SGT Charles L. Toppings distinguished himself by heroic achievement near Chaun-ni, Korea, while riding in a tank retriever attempting to run an enemy roadblock. The retriever crew saw several wounded soldiers exposed to enemy fire when SGT Charles L. Toppings, while being exposed to enemy fire, manned a machine gun and delivered heavy fire on the enemy. He then left the retriever and moved the wounded soldiers into the retriever; and

Whereas, SGT Charles L. Toppings, for his heroism on that day, was awarded the Bronze Star; and

Whereas, SGT Charles L. Toppings worked for the C&O Railroad in West Virginia for over 30 years; and

Whereas, SGT Charles L. Toppings passed away on April 5, 2017, survived by three sons: Charles Toppings and wife, Sheila; William (Bill) Toppings and wife, Vicki; and Steve Toppings and wife, Karen; and

Whereas, It is fitting that an enduring memorial be established to commemorate SGT Charles L. Toppings and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of County Route 30/1, beginning at (38.239066), (-82.192876) and ending at (38.239066), (-82.200978), locally known as Sheridan Road, in Lincoln County, the "U.S. Army SGT Charles L. Toppings Memorial Road"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the portion



of road as the "U.S. Army SGT Charles L. Toppings Memorial Road"; 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.

Senators Plymale and Woelfel offered the following resolution:

**Senate Concurrent Resolution 9**—Requesting the Division of Highways name bridge number 50-075/00-007.25 (50A149), locally known as Buffalo Beam Span, carrying WV 75 over Twelvepole Creek in Wayne County, the "Haynie Family Veterans Memorial Bridge".

Whereas, The Haynies have been in the Buffalo Creek area since the early 1800s and served their country in World Wars I and II; and

Whereas, Anthony Haynie, PVT, WW I, was born July 22, 1895, in Wayne County, West Virginia. He enlisted in the U.S. Army on October 5, 1917, and was discharged on June 10, 1919. He served under General Pershing, Battery C 315, Field Artillery, 80 Division. PVT Anthony Haynie's unit had advanced to the town of Romagne and were engaged with the Germans. Three guns of his battery were knocked out by shell fire and gas attack. The battery commander asked for volunteers to man the guns in spite of the fierce gas attack and PVT Anthony Haynie answered the call. His record reveals that he was severely wounded in that engagement and that he received the Purple Heart. PVT Anthony Haynie died on January 17, 1976; and

Whereas, Arthur Haynie was born November 17, 1921. He attended the old wooden school in Buffalo, West Virginia. He entered the U.S. Army on December 14, 1942. At discharge, he was a Tech 5 of the military police. He died on September 18, 1995; and

Whereas, James E. Haynie, PVT, WW II, was born on August 16, 1923, in Wayne County. He attended and graduated from Buffalo High School. He served in the U.S. Army from July 8, 1943, through December 7, 1945. PVT James E. Haynie was a demolition expert and served in Calcutta and Burma. His unit merged with Merrill's Marauders and came behind them, "cleaning up their mess". He received the Asiatic Pacific Theater Ribbon, WW II Victory Ribbon, and Distinguished Unit Badge with two Bronze Stars. PVT James E. Haynie died September 14, 2014; and

Whereas, Robert V. Haynie, PVT, WW II, was born on March 24, 1925, in Wayne County. He attended Buffalo High School. He served in the U.S. Army from August 28, 1943, through February 14, 1946. PVT Robert V. Haynie was a military policeman serving in the European Theater of Operation. He served in Normandy, Northern France, and the Rhineland. He was a recipient of the Purple Heart, the European African Middle Eastern Theater Ribbon, and the WW II Victory Ribbon. PVT Robert V. Haynie died December 25, 2018; and

Whereas, Charles E. Haynie, WW II, was born on April 14, 1927, in Wayne County. He attended Buffalo High School. He enlisted in the U.S. Navy and served on the USS Sandoval (APA-194) as a coxswain in Iwo Jima. Charles E. Haynie died November 20, 2016; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Haynie family and their contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 50-075/00-007.25 (50A149), locally known as Buffalo Beam Span, carrying WV 75 over Twelvepole Creek in Wayne County, the "Haynie Family Veterans 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 "Haynie Family Veterans 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 Roberts offered the following resolution:

**Senate Concurrent Resolution 10**—Requesting the Division of Highways name bridge number 55-010/00-031.60 (55A035), (37.66588, -81.57373) locally known as Jesse Bridge, carrying WV 10 over Laurel Fork in Wyoming County, the "U.S. Air Force TSGT Franklin A. Bradford Bridge".

Whereas, Franklin Abb Bradford, was born at the Stevens Hospital in Welch, West Virginia on March 21, 1950. He was the son of a coal miner and grew up in a coal camp house where he graduated from Pineville High School in 1969. With the Vietnam War underway, Franklin Bradford voluntarily enlisted in the United States Air Force in the fall of 1969; and

Whereas, TSGT Franklin Abb Bradford spent his basic training at Lackland Air Force Base in San Antonio, Texas. He served his first tour of duty in the Southeast Asian theater of conflict. TSGT Franklin Bradford served with the civil engineering unit called Prime BEEF (Base Engineer Emergency Force), where he served as a machine gunner. Prime BEEF was a rapidly deployable squadron of specialized civil engineering unit members who provided a full range of engineering support for command operations; and

Whereas, TSGT Franklin Abb Bradford was stationed at Beale Air Force Base in California where he helped assemble the SR-71 Blackbird, an Air Force reconnaissance aircraft intended to operate at extreme velocities, altitudes, and temperatures, that played a key role in gathering intelligence during the Cold War; and

Whereas, TSGT Franklin Abb Bradford was stationed at the Ramstein Air Force Base in Germany and flew on international missions. After Shah Mohammad Reza Pahlavi was ousted from Iran on February 11, 1979, at the start of the Iranian Revolution, the Shah was welcomed into the United States for cancer treatments. In protest, Iranian students took over the U.S. Embassy in Tehran, holding Americans hostage for more than 440 days. Bradford took part in one of the airlift rescue missions for embassy members during what would become known as the Iranian hostage crisis; and

Whereas, TSGT Franklin Abb Bradford transferred to Charleston Air Force Base in South Carolina where he served as a quality control specialist for the mechanical air command, and then he transferred to the strategic air command at Randolph Air Force Base in San Antonio, Texas. Following his service in Texas, Bradford was sent to Kunsan Air Force Base in South Korea to a combat readiness unit, the 8th Fighter Wing, known as "The Wolf Pack". This was a strategic unit trained and prepared to execute immediate air combat against any aggressors threatening the United States or South Korea. Bradford's final duty station was at Maxwell Air Force Base in Alabama where he worked as a manpower management technician; and

Whereas, TSGT Franklin Abb Bradford always made time to volunteer with local schools, the Special Olympics, and the Red Cross wherever he was stationed. While stationed in San Antonio, Pope John Paul II visited the city in September 1987 and conducted an outdoor mass with several thousand attendees, some of whom suffered the effects of the hot Texas sun. Bradford served with the Red Cross during the event, brought water and refreshments to attendees, and helped many who succumbed to the heat to shelter for assistance. The heart of a West Virginian is one of servitude and TSGT Franklin Abb Bradford displayed this quality whenever presented with the opportunity; and

Whereas, Upon retirement from the Air Force in 1991, TSGT Franklin Abb Bradford went back to school at Bluefield State College and earned a bachelor's degree, which allowed him to begin a career with the United States Department of Defense as a

contract specialist with the Naval Sea Command and NASA. Bradford's duty station was at the Wright Patterson Air Force Base in Ohio. When a transfer opportunity opened for the Department of Defense in Blacksburg, Virginia, Bradford seized the chance to return home and moved to Princeton, West Virginia. He eventually worked with the Veterans Administration Hospital in Beckley, West Virginia as a contract specialist, and enjoyed his time serving the needs of fellow veterans; and

Whereas, It is fitting that an enduring memorial be established to commemorate TSGT Franklin Abb Bradford for his honorable service to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name Bridge Number: 55-010/00-031.60 (55A035), (37.66588, - 81.57373) locally known as Jesse Bridge, carrying WV 10 over Laurel Fork in Wyoming County, the "U.S. Air Force TSGT Franklin A. Bradford 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 "U.S. Air Force TSGT Franklin A. Bradford Bridge"; and, be it

*Further Resolved,* That the Clerk of the Senate is 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 Roberts offered the following resolution:

**Senate Concurrent Resolution 11**—Requesting the Department of Veterans' Assistance to name the new veterans' nursing home, to be built in Beckley, the "Dennis E. Davis Veterans Nursing Home".

Whereas, Dennis E. Davis began his association with the United States military in 1959 when he entered the Reserve Officer

Training Corps (ROTC) program at West Virginia State University; and

Whereas, Dennis E. Davis served stints with the U.S. Army at Fort Knox in Kentucky and Fort Sill in Oklahoma. In 1965, he graduated from the Army's Non-Commissioned Officer Academy and received an honorable discharge in 1970; and

Whereas, In 1968, Dennis E. Davis received a Bachelor of Science degree in the field of education from West Virginia State University and subsequently began a career with the Kanawha County schools as a teacher, counselor, and administrator. In 1970, he received a Master of Science degree from Marshall University; and

Whereas, Dennis E. Davis ultimately took on the role of Assistant Superintendent of Kanawha County Schools for Vocational, Technical, and Adult Education; and

Whereas, In 1996, Governor Cecil Underwood appointed Dennis E. Davis as Executive Director of Workforce Development for West Virginia, in which position he served for four years; and

Whereas, Dennis E. Davis briefly returned to Kanawha County schools in 2013 as a member of the Kanawha County Board of Education, serving out the unexpired term of a previous member; and

Whereas, In January, 2017, Governor Jim Justice appointed Dennis E. Davis as Cabinet Secretary for the West Virginia Department of Veterans Assistance. He was responsible for the administration of claims for assistance across the state, plus the WV Veterans Nursing Facility, the West Virginia Veterans Home, and the Donel C. Kinnard Memorial State Veterans Cemetery, where he was also a member of the honor guard; and

Whereas, Dennis E. Davis passed away on January 18, 2021, at his home in Institute, West Virginia, in the presence of his loving wife and son. Dennis E. Davis was subsequently interred in the Donel C. Kinnard Memorial State Veterans Cemetery; and

Whereas, It is fitting that an enduring memorial be established to commemorate the achievements and contributions of Dennis E. Davis to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Department of Veterans Assistance name the new veterans' nursing home, to be built in Beckley, the "Dennis E. Davis Veterans Nursing Home"; and, be it

*Further Resolved,* That the Department of Veterans' Assistance is hereby requested to have made and be placed signs identifying the facility as the "Dennis E. Davis Veterans Nursing Home"; and, be it

*Further Resolved,* That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the acting Secretary of the Department of Veterans Assistance and the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senator Roberts offered the following resolution:

**Senate Concurrent Resolution 12**—Requesting the Division of Highways name a portion of road, beginning at Dingess Branch Road at Liberty High School in Beckley to the unincorporated sign in Naoma in Raleigh County, as the "Raymond Jarrell, Jr., Memorial Road".

Whereas, Raymond Jarrell, Jr., was born on February 15, 1959, to Raymond and Ruth Jarrell; and

Whereas, Raymond Jarrell, Jr., was raised by his grandparents, Carl and Sylvia Jarrell, in Raleigh County, West Virginia, and he attended Raleigh County schools; and

Whereas, Raymond Jarrell, Jr., later became an employee of Raleigh County schools as a bus driver for 28 years and also ran Jarrell Backwoods Towing for 38 years; and

Whereas, Raymond Jarrell, Jr., was a member of the Naoma Methodist Church, was a bookkeeper for the Liberty High School Raiders basketball team, and was known for philanthropic acts to benefit his community that he provided personally and through his business; and

Whereas, Raymond Jarrell, Jr., gained fame from an early age as an expert in marble games, achieving his first national championship in New Jersey in 1972 at the age of 13, for which he was recognized in the New York Times; and

Whereas, Raymond Jarrell, Jr., went on to play for the Marble King team sponsored by the famous Marble King company of Paden City, West Virginia, and eventually won the title of World Marble Champion five times in competitions held in Tinsley Green, England;

Whereas, Raymond Jarrell, Jr., passed away August 10, 2019, and was buried at Adkins Cemetery in his home community of Naoma, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate Raymond Jarrell, Jr., and his contributions to his community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of road, beginning at Dingess Branch Road at Liberty High School in Beckley to the unincorporated sign in Naoma in Raleigh County, as the "Raymond Jarrell, Jr., Memorial Road"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the portion of road as the "Raymond Jarrell, Jr., Memorial Road"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs reading "Home of Raymond Jarrell, Jr., Five-Time World Marble Champion" to be placed with the present signs identifying the unincorporated community of Naoma, Raleigh County, West Virginia; and, be it



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

Which, under the rules, lies over one day.

Senators Caputo and Weld offered the following resolution:

**Senate Resolution 6**—Designating January 14, 2022, as Fairmont State University Day at the Legislature.

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

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

Whereas, Fairmont State University helps West Virginians achieve their education and career goals, and meets the workforce needs of the State of West Virginia; and

Whereas, Fairmont State University contributes significantly to the state and local economies of West Virginia; and

Whereas, Fairmont State University's student body is comprised of nearly 90 percent of native West Virginians and over 60 percent first-generation students; and

Whereas, Fairmont State University educates students from every county in West Virginia; and

Whereas, Through the commitment of outstanding students, faculty, staff, administration, and leadership, Fairmont State University fulfills student-centered missions which benefit the entire state; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates January 14, 2022, as Fairmont State University Day at the Legislature; and, be it

*Further Resolved*, That the Senate extends its sincere gratitude and appreciation to Fairmont State University for its contributions to the state of West Virginia; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to President of Fairmont State University, Dr. Mirta M. Martin.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 1**, US Army PFC Billy Keith Ford Memorial Bridge.

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

**Senate Concurrent Resolution 2**, John B. Short Memorial Bridge.

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

**Senate Concurrent Resolution 3**, USMC CAPT Dempsey Stowers Memorial Bridge.

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

**Senate Concurrent Resolution 4**, US Army SP4 Warner Ray Osborne Memorial Bridge.

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

**Senate Concurrent Resolution 5**, US Marine Corps CPL James "Bud" Cox Memorial Bridge.

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

**Senate Concurrent Resolution 6**, Holden 22 Coal Miners Memorial Bridge.

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

**Senate Concurrent Resolution 7**, James "Big Jim" Shaffer Memorial Bridge.

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

**Senate Resolution 4**, Urging US Army Corps of Engineers study clean energy production at Summersville dam.

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

The Senate proceeded to the thirteenth order of business.

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

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 January 12, 2022:

**Senate Bill 132:** Senator Phillips.

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 January 12, 2022:

**Senate Bill 1:** Senators Baldwin, Jeffries, and Stollings;

**Senate Bill 2:** Senator Jeffries;

**Senate Bill 3:** Senator Jeffries;

**Senate Bill 4:** Senators Nelson, Jeffries, and Lindsay;

**Senate Bill 5:** Senators Nelson, Baldwin, Jeffries, and Phillips;

**Senate Bill 6:** Senator Nelson;

**Senate Bill 7:** Senator Swope;

**Senate Bill 8:** Senators Lindsay, Jeffries, and Phillips;

**Senate Bill 9:** Senators Lindsay, Jeffries, Stollings, Phillips, and Caputo;

**Senate Bill 10:** Senators Lindsay, Jeffries, Stollings, Phillips, and Beach;

**Senate Bill 11:** Senators Jeffries, Caputo, Romano, and Stollings;

**Senate Bill 12:** Senators Jeffries and Caputo;

**Senate Bill 13:** Senator Stollings;

**Senate Bill 15:** Senator Romano;

**Senate Bill 16:** Senators Baldwin, Jeffries, Caputo, and Geffert;

**Senate Bill 17:** Senators Baldwin, Jeffries, Lindsay, Caputo, Geffert, and Stollings;

**Senate Bill 18:** Senators Jeffries, Lindsay, Caputo, and Geffert;

**Senate Bill 19:** Senators Baldwin, Lindsay, and Caputo;

**Senate Bill 20:** Senators Jeffries, Lindsay, Caputo, and Geffert;

**Senate Bill 21:** Senator Grady;

**Senate Bill 22:** Senators Sypolt, Lindsay, and Phillips;

**Senate Bill 23:** Senator Roberts;

**Senate Bill 24:** Senator Smith;

**Senate Bill 25:** Senator Stollings;

**Senate Bill 27:** Senator Jeffries;

**Senate Bill 28:** Senator Roberts;

**Senate Bill 29:** Senator Jeffries;

**Senate Bill 32:** Senator Caputo;

**Senate Bill 33:** Senators Lindsay and Caputo;

**Senate Bill 40:** Senators Lindsay, Jeffries, Caputo, Grady, Phillips, Romano, and Beach;

**Senate Bill 41:** Senator Grady;

**Senate Bill 44:** Senator Lindsay;

**Senate Bill 46:** Senators Jeffries and Romano;

**Senate Bill 48:** Senators Jeffries, Stollings, and Phillips;

**Senate Bill 49:** Senators Lindsay and Romano;

**Senate Bill 50:** Senator Jeffries;

**Senate Bill 51:** Senators Baldwin and Lindsay;

**Senate Bill 53:** Senators Baldwin, Grady, and Romano;

**Senate Bill 54:** Senators Baldwin, Lindsay, and Romano;

**Senate Bill 56:** Senator Jeffries;

**Senate Bill 57:** Senator Grady;

**Senate Bill 58:** Senator Lindsay;

**Senate Bill 59:** Senators Baldwin and Lindsay;

**Senate Bill 63:** Senator Phillips;

**Senate Bill 64:** Senator Sypolt;

**Senate Bill 65:** Senators Jeffries, Beach, and Stollings;

**Senate Bill 73:** Senator Jeffries;

**Senate Bill 76:** Senator Stollings;

**Senate Bill 77:** Senators Lindsay, Jeffries, Caputo, Beach, Phillips, and Grady;

**Senate Bill 78:** Senators Jeffries, Caputo, and Beach;

**Senate Bill 79:** Senators Jeffries, Lindsay, Caputo, and Beach;

**Senate Bill 80:** Senators Lindsay, Beach, and Romano;

**Senate Bill 81:** Senators Lindsay, Beach, Geffert, and Romano;

**Senate Bill 83:** Senators Lindsay, Caputo, and Romano;

**Senate Bill 84:** Senators Beach and Romano;

**Senate Bill 85:** Senators Lindsay, Caputo, and Romano;

**Senate Bill 86:** Senators Grady, Lindsay, and Caputo;

**Senate Bill 88:** Senator Nelson;

**Senate Bill 89:** Senators Lindsay, Caputo, and Stollings;

**Senate Bill 90:** Senators Lindsay and Caputo;

**Senate Bill 91:** Senators Phillips and Grady;

**Senate Bill 97:** Senators Jeffries, Lindsay, and Beach;

**Senate Bill 98:** Senators Lindsay, Jeffries, Caputo, Stollings, Phillips, Grady, and Beach;

**Senate Bill 99:** Senators Lindsay and Jeffries;

**Senate Bill 101:** Senators Baldwin and Lindsay;

**Senate Bill 102:** Senators Jeffries and Phillips;

**Senate Bill 103:** Senators Lindsay and Beach;

**Senate Bill 104:** Senator Jeffries;

**Senate Bill 105:** Senators Jeffries and Beach;

**Senate Bill 106:** Senators Baldwin, Jeffries, Lindsay, and Romano;

**Senate Bill 107:** Senators Baldwin and Lindsay;

**Senate Bill 108:** Senators Baldwin, Jeffries, Lindsay, Geffert, Beach, and Romano;

**Senate Bill 114:** Senator Baldwin;

**Senate Bill 116:** Senator Phillips;

**Senate Bill 117:** Senator Phillips;

**Senate Bill 118:** Senator Baldwin;

**Senate Bill 120:** Senators Baldwin, Phillips, and Nelson;

**Senate Bill 121:** Senators Lindsay, Jeffries, and Stollings;

**Senate Bill 122:** Senators Stollings and Beach;

**Senate Bill 123:** Senator Stollings;

**Senate Bill 124:** Senator Stollings;

**Senate Bill 127:** Senators Jeffries and Phillips;

**Senate Bill 129:** Senator Stollings;

**Senate Bill 131:** Senators Baldwin, Stollings, Romano, Beach, and Phillips;

**Senate Bill 132:** Senator Swope;

**Senate Bill 133:** Senators Romano and Beach;

**Senate Bill 135:** Senators Lindsay, Jeffries, and Stollings;

**Senate Bill 136:** Senators Lindsay, Jeffries, Phillips, Caputo, and Stollings;

**Senate Bill 139:** Senators Jeffries and Stollings;

**Senate Bill 140:** Senator Romano;

**Senate Bill 141:** Senators Lindsay and Jeffries;

**Senate Bill 142:** Senators Sypolt, Romano, and Phillips;

**Senate Bill 143:** Senators Jeffries and Romano;

**Senate Bill 144:** Senators Baldwin, Jeffries, and Romano;

**Senate Bill 145:** Senator Romano;

**Senate Bill 147:** Senators Jeffries, Lindsay, and Beach;

**Senate Bill 148:** Senators Lindsay and Caputo;

**Senate Bill 149:** Senators Jeffries, Lindsay, Caputo, and Stollings;

**Senate Bill 150:** Senators Lindsay and Caputo;

**Senate Bill 152:** Senators Jeffries, Lindsay, and Beach;

**Senate Bill 153:** Senator Beach;

**Senate Bill 154:** Senators Lindsay and Stollings;

**Senate Bill 155:** Senators Lindsay and Stollings;

**Senate Bill 156:** Senators Lindsay, Stollings, and Beach;



**Senate Bill 160:** Senator Lindsay;

**Senate Bill 162:** Senator Lindsay;

**Senate Bill 163:** Senators Lindsay, Caputo, Beach, and Romano;

**Senate Bill 164:** Senators Lindsay and Caputo;

**Senate Bill 165:** Senator Caputo;

**Senate Bill 166:** Senators Lindsay and Romano;

**Senate Bill 167:** Senators Lindsay and Stollings;

**Senate Bill 168:** Senators Lindsay and Caputo;

**Senate Bill 169:** Senators Caputo and Geffert;

**Senate Bill 170:** Senators Lindsay, Jeffries, Caputo, Stollings, Phillips, and Grady;

**Senate Bill 171:** Senator Phillips;

**Senate Bill 172:** Senators Lindsay, Jeffries, Phillips, Caputo, and Stollings;

**Senate Bill 173:** Senator Phillips;

**Senate Bill 174:** Senators Baldwin, Jeffries, Caputo, and Stollings;

**Senate Bill 175:** Senators Jeffries, Lindsay, Caputo, and Stollings;

**Senate Bill 176:** Senators Jeffries, Lindsay, Caputo, and Stollings;

**Senate Bill 177:** Senators Jeffries, Lindsay, Caputo, and Beach;

**Senate Bill 178:** Senators Jeffries and Lindsay;

**Senate Bill 179:** Senators Jeffries, Caputo, and Beach;

**Senate Bill 181:** Senators Baldwin and Phillips;

**Senate Bill 182:** Senator Phillips;

**Senate Bill 183:** Senator Lindsay;

**Senate Bill 184:** Senator Lindsay;

**Senate Bill 186:** Senator Lindsay;

**Senate Bill 187:** Senator Phillips;

**Senate Bill 188:** Senators Baldwin, Lindsay, and Caputo;

**Senate Bill 189:** Senator Phillips;

**Senate Bill 190:** Senator Phillips;

**Senate Bill 191:** Senators Lindsay, Baldwin, Jeffries, and Phillips;

**Senate Bill 192:** Senators Baldwin, Lindsay, Romano, and Phillips;

**Senate Bill 194:** Senators Lindsay, Caputo, and Stollings;

**Senate Bill 195:** Senators Lindsay, Caputo, and Stollings;

**Senate Bill 196:** Senators Lindsay and Caputo;

**Senate Bill 197:** Senators Jeffries, Lindsay, and Phillips;

**Senate Bill 198:** Senators Lindsay and Caputo;

**Senate Bill 199:** Senators Baldwin, Jeffries, Lindsay, and Caputo;

**Senate Bill 200:** Senator Caputo;

**Senate Bill 201:** Senators Lindsay and Caputo;

**Senate Bill 202:** Senator Lindsay;

**Senate Bill 203:** Senator Romano;

**Senate Bill 204:** Senator Stollings;

**Senate Bill 205:** Senator Stollings;

**Senate Bill 206:** Senators Lindsay and Caputo;

**Senate Bill 207:** Senators Lindsay and Caputo;

**Senate Bill 208:** Senators Lindsay and Caputo;

**Senate Bill 213:** Senator Baldwin;

**Senate Bill 214:** Senators Baldwin and Lindsay;

**Senate Bill 215:** Senators Lindsay and Caputo;

**Senate Bill 217:** Senator Roberts;

**Senate Bill 228:** Senators Lindsay, Jeffries, Phillips, Romano, Caputo, and Stollings;

**Senate Bill 231:** Senator Romano;

**Senate Bill 233:** Senators Baldwin, Lindsay, and Caputo;

**Senate Bill 234:** Senators Lindsay and Caputo;

**Senate Bill 235:** Senator Lindsay;

**Senate Bill 236:** Senator Lindsay;

**Senate Bill 238:** Senators Jeffries and Caputo;

**Senate Bill 240:** Senators Lindsay, Geffert, and Beach;

**Senate Bill 241:** Senator Lindsay;

**Senate Bill 243:** Senators Baldwin and Caputo;

**Senate Bill 246:** Senators Lindsay, Roberts, and Phillips;

**Senate Bill 247:** Senators Baldwin and Romano;

**Senate Bill 248:** Senator Grady;

**Senate Bill 249:** Senators Lindsay and Caputo;

**Senate Joint Resolution 1:** Senators Phillips and Smith;

**Senate Joint Resolution 2:** Senators Baldwin and Smith;

**Senate Joint Resolution 3:** Senators Baldwin, Phillips, and Smith;

**Senate Joint Resolution 4:** Senators Baldwin, Beach, Phillips, and Smith;

**Senate Joint Resolution 5:** Senators Baldwin and Lindsay;

**Senate Joint Resolution 6:** Senators Sypolt and Smith;

**Senate Joint Resolution 7:** Senators Sypolt and Phillips;

**Senate Joint Resolution 8:** Senators Romano, Lindsay, and Smith;

**Senate Concurrent Resolution 1:** Senators Jeffries, Lindsay, and Stollings;

**Senate Concurrent Resolution 2:** Senators Jeffries and Stollings;

**Senate Concurrent Resolution 3:** Senators Jeffries and Stollings;

**Senate Concurrent Resolution 4:** Senators Jeffries and Stollings;

**Senate Concurrent Resolution 5:** Senator Stollings;

**Senate Concurrent Resolution 6:** Senators Jeffries, Lindsay, Romano, and Smith;

**Senate Concurrent Resolution 7:** Senators Jeffries and Romano;

**Senate Resolution 4:** Senators Baldwin, Romano, Phillips, and Stollings;

And,

**Senate Resolution 5:** Senators Sypolt and Swope.

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

On motion of Senator Weld, at 11:10 a.m., the Senate adjourned until tomorrow, Friday, January 14, 2022, at 9 a.m.

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## FRIDAY, JANUARY 14, 2022

The Senate met at 9:02 a.m.

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

Prayer was offered by the Honorable Stephen Baldwin, a senator from the tenth district.

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, January 13, 2022,

At the request of Senator Hamilton, 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 communications from various state agencies as required by the provisions of law:

Environmental Protection, Department of (Groundwater Programs and Activities) (§22-12-6)

Environmental Protection, Department of (Waiver Report) (§22-6A-2)

Insurance Commissioner, Offices of the (Office of the Consumer Advocate) (§33-2-16)

Treasurer, Office of the (Debt Capacity) (§12-6A-6)

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 244**, Relating to appointment of judges to Intermediate Court of Appeals.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The Senate proceeded to the sixth order of business.

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

**By Senators Grady and Rucker:**

**Senate Bill 268**—A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to creating a new exemption from compulsory school attendance for a child who participates in a learning pod or microschool; defining learning pod and microschool; requiring parent or custodian to present to the county superintendent or county board a notice of intent to

participate in the learning pod or microschool; and providing that no learning pod or microschool is subject to any other provision of law relating to education.

Referred to the Committee on Education.

**By Senators Stollings and Baldwin:**

**Senate Bill 269**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-65-1, §16-65-2, §16-65-3, §16-65-4, §16-65-5, and §16-65-6, all relating to creating the Youth Mental Health Protection Act; setting forth legislative findings; setting forth a purpose; defining terms; providing for a prohibition on conversion therapy; setting forth a prohibition for referral services for conversion therapy; and providing for disciplinary actions against providers who violate the article.

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

**By Senator Nelson:**

**Senate Bill 270**—A Bill to amend and reenact §5-10-2 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto four new sections, designated §5-10-25a, §5-10-25b, §5-10-25c, and §5-10-25d, all relating to updating definitions of the West Virginia Public Employees Retirement Act; providing benefits for law enforcement, public safety, and rescue personnel for total disability and death resulting from their covered employment; providing awards and benefits to surviving spouses of law enforcement, public safety, and rescue personnel when a member dies in performance of duty; providing for an exception during early period; providing for additional death benefits and scholarships; clarifying dependent children of law enforcement, public safety, and rescue personnel; and providing for burial benefits for law enforcement, public safety, and rescue personnel.

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

**By Senator Rucker:**

**Senate Bill 271**—A Bill to amend and reenact §30-7-15 of the Code of West Virginia, 1931, as amended, relating to the administration of anesthetics.

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

**By Senator Rucker:**

**Senate Bill 272**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-29-3, relating to medical information; providing that persons are not required to provide medical or health information as a condition of gaining or maintaining employment; and providing liability if the section is violated.

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

**By Senator Trump:**

**Senate Bill 273**—A Bill to amend and reenact §15-2-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia State Police; and providing that troops shall be allocated by the superintendent to counties based on the 2020 Census.

Referred to the Committee on Government Organization.

**By Senator Trump:**

**Senate Bill 274**—A Bill amend and reenact §9-2-6 of the Code of West Virginia, 1931, as amended, relating to requiring the Secretary of the State Department of Health and Human Resources to assign members of child protective services to counties based on the county population according to the 2020 Census.

Referred to the Committee on Health and Human Resources.

**Petitions**

Senator Smith presented a petition from Jimmy Loughry and numerous Preston County residents, relating to tax levies.



Referred to the Committee on Finance.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 8**, US Army SGT Charles L. Toppings Memorial Road.

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

**Senate Concurrent Resolution 9**, Haynie Family Veterans Memorial Bridge.

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

**Senate Concurrent Resolution 10**, US Air Force TSGT Franklin A. Bradford Bridge.

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

**Senate Concurrent Resolution 11**, Dennis E. Davis Veterans Nursing Home.

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

**Senate Concurrent Resolution 12**, Raymond Jarrell, Jr., Memorial Road.

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

**Senate Resolution 6**, Designating January 14, 2022, as Fairmont State University Day at Legislature.

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

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

Thereafter, at the request of Senator Trump, and by unanimous consent, the remarks by Senators Caputo and Weld regarding the adoption of Senate Resolution 6 were ordered printed in the Appendix to the Journal.

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

The Senate then proceeded to the thirteenth order of business.

At the request of Senator Weld, and by unanimous consent, leaves of absence for the day were granted Senators Geffert, Romano, Tarr, and Rucker.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on January 13, 2022:

**Senate Bill 2:** Senator Jeffries;

**Senate Bill 160:** Senator Lindsay;

**Senate Bill 241:** Senator Lindsay;

And,

**Senate Bill 258:** Senator Lindsay.

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 January 13, 2022:

**Senate Bill 1:** Senators Hamilton, Lindsay, and Woodrum;

**Senate Bill 4:** Senator Woelfel;

**Senate Bill 5:** Senators Hamilton, Lindsay, Woodrum, and Stollings;

**Senate Bill 11:** Senator Woelfel;

**Senate Bill 13:** Senator Lindsay;

**Senate Bill 14:** Senator Lindsay;

**Senate Bill 16:** Senator Woelfel;

**Senate Bill 17:** Senator Woelfel;

**Senate Bill 18:** Senator Woelfel;

**Senate Bill 29:** Senator Woodrum;

**Senate Bill 33:** Senator Woelfel;

**Senate Bill 46:** Senators Lindsay and Woelfel;

**Senate Bill 51:** Senator Woelfel;

**Senate Bill 53:** Senator Lindsay;

**Senate Bill 54:** Senator Woelfel;

**Senate Bill 56:** Senator Lindsay;

**Senate Bill 60:** Senator Lindsay;

**Senate Bill 64:** Senator Woodrum;

**Senate Bill 65:** Senator Lindsay;

**Senate Bill 70:** Senator Caputo;

**Senate Bill 73:** Senator Lindsay;

**Senate Bill 76:** Senator Lindsay;

**Senate Bill 78:** Senator Lindsay;

**Senate Bill 79:** Senator Woelfel;

- Senate Bill 89:** Senator Woelfel;
- Senate Bill 90:** Senator Woelfel;
- Senate Bill 102:** Senator Lindsay;
- Senate Bill 104:** Senator Lindsay;
- Senate Bill 105:** Senator Lindsay;
- Senate Bill 107:** Senator Woelfel;
- Senate Bill 111:** Senators Lindsay and Woelfel;
- Senate Bill 114:** Senator Lindsay;
- Senate Bill 118:** Senator Lindsay;
- Senate Bill 120:** Senator Lindsay;
- Senate Bill 122:** Senator Lindsay;
- Senate Bill 123:** Senator Lindsay;
- Senate Bill 127:** Senator Lindsay;
- Senate Bill 130:** Senator Lindsay;
- Senate Bill 131:** Senators Hamilton and Lindsay;
- Senate Bill 133:** Senator Woelfel;
- Senate Bill 134:** Senators Lindsay and Woodrum;
- Senate Bill 137:** Senators Woodrum and Woelfel;
- Senate Bill 139:** Senators Lindsay, Woodrum, and Woelfel;
- Senate Bill 140:** Senators Lindsay and Woelfel;
- Senate Bill 142:** Senators Lindsay, Woodrum, and Woelfel;
- Senate Bill 143:** Senator Lindsay;

- Senate Bill 144:** Senator Woelfel;
- Senate Bill 145:** Senator Lindsay;
- Senate Bill 149:** Senator Woelfel;
- Senate Bill 151:** Senator Lindsay;
- Senate Bill 153:** Senator Lindsay;
- Senate Bill 161:** Senator Lindsay;
- Senate Bill 165:** Senator Lindsay;
- Senate Bill 166:** Senator Woelfel;
- Senate Bill 168:** Senator Woelfel;
- Senate Bill 169:** Senators Lindsay and Woelfel;
- Senate Bill 175:** Senator Woelfel;
- Senate Bill 179:** Senator Lindsay;
- Senate Bill 180:** Senator Woelfel;
- Senate Bill 181:** Senator Lindsay;
- Senate Bill 189:** Senator Woodrum;
- Senate Bill 190:** Senator Woodrum;
- Senate Bill 192:** Senator Woodrum;
- Senate Bill 197:** Senators Hamilton, Woelfel, and Grady;
- Senate Bill 199:** Senator Woelfel;
- Senate Bill 203:** Senator Lindsay;
- Senate Bill 204:** Senator Woelfel;
- Senate Bill 205:** Senator Lindsay;

**Senate Bill 207:** Senator Woelfel;

**Senate Bill 213:** Senator Lindsay;

**Senate Bill 215:** Senator Woelfel;

**Senate Bill 219:** Senator Lindsay;

**Senate Bill 224:** Senators Lindsay and Woelfel;

**Senate Bill 229:** Senator Baldwin;

**Senate Bill 231:** Senators Lindsay and Baldwin;

**Senate Bill 238:** Senators Lindsay and Baldwin;

**Senate Bill 239:** Senator Lindsay;

**Senate Bill 243:** Senator Lindsay;

**Senate Bill 244:** Senator Woelfel;

**Senate Bill 247:** Senator Lindsay;

**Senate Bill 249:** Senator Baldwin;

**Senate Bill 253:** Senators Jeffries, Baldwin, Woodrum, and Stollings;

**Senate Bill 255:** Senator Woodrum;

**Senate Bill 256:** Senators Beach and Caputo;

**Senate Bill 257:** Senators Beach, Caputo, and Woelfel;

**Senate Bill 258:** Senators Caputo and Woelfel;

**Senate Bill 260:** Senator Woelfel;

**Senate Bill 261:** Senator Roberts;

**Senate Bill 262:** Senators Grady, Martin, and Maynard;

**Senate Bill 263:** Senator Woodrum;

**Senate Bill 265:** Senators Lindsay and Nelson;

**Senate Joint Resolution 3:** Senators Lindsay and Woelfel;

**Senate Joint Resolution 4:** Senator Lindsay;

**Senate Joint Resolution 7:** Senator Hamilton;

**Senate Joint Resolution 8:** Senator Woelfel;

**Senate Concurrent Resolution 2:** Senator Lindsay;

**Senate Concurrent Resolution 3:** Senator Lindsay;

**Senate Concurrent Resolution 5:** Senator Lindsay;

**Senate Concurrent Resolution 7:** Senator Lindsay;

**Senate Concurrent Resolution 8:** Senators Jeffries and Beach;

**Senate Concurrent Resolution 9:** Senators Jeffries, Stollings, and Beach;

**Senate Concurrent Resolution 11:** Senators Baldwin and Stollings;

And,

**Senate Resolution 4:** Senator Lindsay.

On motion of Senator Weld, at 9:13 a.m., the Senate adjourned until Monday, January 17, 2022, at 11 a.m.

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MONDAY, JANUARY 17, 2022

The Senate met at 11:01 a.m.

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

Prayer was offered by the Honorable Bill Hamilton, a senator from the eleventh 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 Friday, January 14, 2022,

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

The Clerk presented the following communications from various state agencies as required by the provisions of law:

Legislative Rule-Making Review Committee (§29A-3-12)

Motor Vehicles, Division of (Safety and Treatment Program) (§17C-5A-3)

Tax Department, State (Consumer Sales and Service Tax and Use Tax Expenditure Study) (§11-10-5s)

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 Sypolt:**

**Senate Bill 275**—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Ethics Commission to promulgate a legislative rule relating to use of office for private gain, including nepotism.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 276**—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Personnel to promulgate a legislative rule relating to the Administrative Rule of the West Virginia Division of Personnel.



Referred to the Committee on the Judiciary.

**By Senator Sybolt:**

**Senate Bill 277**—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Technology to promulgate a legislative rule relating to Chief Information Officer review.

Referred to the Committee on the Judiciary.

**By Senator Sybolt:**

**Senate Bill 278**—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Technology to promulgate a legislative rule relating to cyber reporting.

Referred to the Committee on the Judiciary.

**By Senator Sybolt:**

**Senate Bill 279**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards.

Referred to the Committee on the Judiciary.

**By Senator Sybolt:**

**Senate Bill 280**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources.

Referred to the Committee on the Judiciary.

**By Senator Sybolt:**

**Senate Bill 281**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from combustion of solid waste.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 282**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 283**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements for the management of coal combustion residuals.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 284**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements governing water quality standards.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 285**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to underground injection control.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 286**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a

legislative rule relating to administrative proceedings and civil penalty assessment.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 287**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to methods and standards for chemical tests for intoxication.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 288**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to hospital licensure.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 289**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to childhood lead screening.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 290**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food manufacturing facilities.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 291**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a

legislative rule relating to sewage treatment and collection system design standards.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 292**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 293**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to clinical laboratory practitioner licensure and certification.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 294**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to clandestine drug laboratory remediation.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 295**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to maternal risk screening.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 296**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to expedited partner therapy.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 297**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to certificate of need.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 298**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medication-assisted treatment—opioid treatment programs.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 299**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to syringe services program licensure.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 300**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources and Insurance Commissioner to promulgate a legislative rule relating to all-payer claims database—data submission requirements.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 301**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources and Insurance

Commissioner to promulgate a legislative rule relating to all-payer claims database program's privacy and security rule.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 302**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor's Committee on Crime, Delinquency, and Correction to promulgate a legislative rule relating to law-enforcement training and certification standards.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 303**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to the Fire Code.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 304**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to the State Building Code.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 305**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to Volunteer Fire Department Equipment and Training Grant funding disbursement.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 306**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Fire Commission to promulgate a legislative rule relating to specialized membership.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 307**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to junior firefighters.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 308**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to the certification of fire chiefs.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 309**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to use of aqueous film-forming foam for fire training program purposes.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 310**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Marshal to promulgate a legislative rule relating to regulation of fireworks and related explosive materials.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 311**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the State Police to promulgate a legislative rule relating to career progression.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 312**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to private club licensing.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 313**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to nonintoxicating beer licensing and operations procedures.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 314**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to continuing education for individual insurance producers and individual insurance adjusters.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 315**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to adoption of valuation manual.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 316**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing



the Insurance Commissioner to promulgate a legislative rule relating to pharmacy auditing entities and pharmacy benefit managers.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 317**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to term and universal life insurance reserve financing.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 318**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to bail bondsmen in criminal cases.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 319**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia Lottery state lottery rules.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 320**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Lottery Commission to promulgate a legislative rule relating to the West Virginia Lottery limited video lottery rule.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 321**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Racing Commission to promulgate a legislative rule relating to thoroughbred racing.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 322**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to pari-mutuel wagering.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 323**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Department to promulgate a legislative rule relating to valuation of producing and reserve oil, natural gas liquids, and natural gas for ad valorem property tax purposes.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 324**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to West Virginia tax credit for federal excise tax imposed upon small arms and ammunition manufacturers.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 325**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Department to promulgate a legislative rule relating to the sales tax holiday.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 326**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating

to the exemption for repair, remodeling, and maintenance of aircraft.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 327**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Department to promulgate a legislative rule relating to vendor absorption or assumption of sales and use tax.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 328**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Department to promulgate a legislative rule relating to on-line bingo and raffles.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 329**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Department to promulgate a legislative rule relating to the Corporation Net Income Tax.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 330**—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to examination and issuance of driver's license.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 331**—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Division of Motor Vehicles to promulgate a legislative rule relating to dealer licensing.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 332**—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to collection of tax on the sale of a vehicle.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 333**—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Transportation to promulgate a legislative rule relating to employment procedures.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 334**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to feeding of untreated garbage to swine.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 335**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to commercial feed.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 336**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Department of Agriculture to promulgate a legislative rule relating to enrichment of flour and bread law regulations.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 337**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to fruits and vegetables certification of potatoes for seedling purposes.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 338**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to the Fresh Food Act.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 339**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to auctioneers.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 340**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to hemp products.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 341**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Commissioner of Agriculture to promulgate a legislative rule relating to livestock care standards.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 342**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to the Rural Rehabilitation Program.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 343**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to the Farm-to-Food Bank Tax Credit.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 344**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to farmers markets.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 345**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to seed certification.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 346**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Auditor to promulgate a legislative rule relating to procedure

for local levying bodies to apply for permission to extend time to meet as levying body.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 347**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Auditor to promulgate a legislative rule relating to accountability requirements for state funds and grants.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 348**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Chiropractic Examiners to promulgate a legislative rule relating to chiropractic telehealth practice.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 349**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Contractor Licensing Board to promulgate a legislative rule relating to Contractor Licensing Act.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 350**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to licensing rule.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 351**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Board of Examiners in Counseling to promulgate a legislative rule relating to licensed professional counselors fees rule.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 352**—A Bill to amend and reenact §64-1-9 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapist licensing rule.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 353**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapist fees rule.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 354**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Dangerous Wild Animal Board to promulgate a legislative rule relating to dangerous wild animal.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 355**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dentistry to promulgate a legislative rule relating to the West Virginia Board of Dentistry.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 356**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing



the Board of Dentistry to promulgate a legislative rule relating to formation and approval of professional limited liability companies.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 357**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dentistry to promulgate a legislative rule relating to formation and approval of dental corporation and dental practice ownership.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 358**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dentistry to promulgate a legislative rule relating to continuing education requirements.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 359**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dentistry to promulgate a legislative rule relating to administration of anesthesia by dentists.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 360**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dentistry to promulgate a legislative rule relating to expanded duties of dental hygienists and dental assistants.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 361**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Board of Dentistry to promulgate a legislative rule relating to teledentistry.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 362**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Funeral Service Examiners to promulgate a legislative rule relating to fee schedule.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 363**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Massage Therapy Board to promulgate a legislative rule relating to general provisions.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 364**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensing and disciplinary procedures: physicians, podiatric physicians, and surgeons.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 365**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, practice requirements, disciplinary and complaint procedures, continuing education, and physician assistants.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 366**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Board of Medicine to promulgate a legislative rule relating to dispensing of prescription drugs by practitioners.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 367**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to continuing education for physicians and podiatric physicians.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 368**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia Controlled Substances Monitoring Program Database.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 369**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to establishment and regulation of limited license to practice medicine and surgery at certain state veterans nursing home facilities.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 370**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to registration to practice during declared state of emergency.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 371**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to

telehealth and interstate telehealth registration for physicians, podiatric physicians, and physician assistants.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 372**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 373**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 374**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to practitioner requirements for controlled substances licensure and accessing the West Virginia Controlled Substances Monitoring Program Database.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 375**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to telehealth practice and interstate telehealth registration for osteopathic physicians and physician assistants.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 376**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacist care.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 377**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Controlled Substances Monitoring Program.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 378**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacists.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 379**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Public Service Commission to promulgate a legislative rule relating to the occupancy of customer-provided conduit.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 380**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure and certification.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 381**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to renewal of licensure or certification.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 382**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for registration and renewal of appraisal management companies.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 383**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses in advanced practice.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 384**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to telehealth practice.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 385**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to voter registration at the Division of Motor Vehicles.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 386**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to voter registration list maintenance by the Secretary of State.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 387**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to the Combined Voter Registration and Driver Licensing Fund.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 388**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to use of digital signatures.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 389**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to regulation of political party headquarters finances.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 390**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to standards and guidelines for electronic notarization, remote online notarization, and remote ink notarization.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 391**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to real property electronic recording standards and regulations.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 392**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work Examiners to promulgate a legislative rule relating to qualifications for the profession of social work.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 393**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work Examiners to promulgate a legislative rule relating to continuing education for social workers and providers.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 394**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Speech-Language Pathology and Audiology to promulgate a legislative rule relating to licensure of speech-pathology and audiology.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 395**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer to promulgate a legislative rule relating to the Substitute Checks-Exceptional Items Fund.



Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 396**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer to promulgate a legislative rule relating to procedures for deposit of moneys with the State Treasurer's Office by state agencies.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 397**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer to promulgate a legislative rule relating to selection of state depositories for disbursement accounts through competitive bidding.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 398**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer to promulgate a legislative rule relating to selection of state depositories for receipt accounts.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 399**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer to promulgate a legislative rule relating to procedures for processing payments from the State Treasury.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 400**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer to promulgate a legislative rule relating to reporting debt.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 401**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer to promulgate a legislative rule relating to procedures for fees in collections by charge, credit, or debit card or by electronic payment.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 402**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer to promulgate a legislative rule relating to procedures for providing services to political subdivisions.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 403**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to child labor.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 404**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to governing the safety of those employed in and around surface mines in West Virginia.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 405**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety, and Training to promulgate a

legislative rule relating to governing first-aid training of shaft and slope employees.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 406**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to substance abuse screening, standards, and procedures.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 407**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to revocation of hunting and fishing licenses.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 408**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special motorboating regulations.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 409**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to public shooting ranges.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 410**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Division of Natural Resources to promulgate a legislative rule relating to general hunting.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 411**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to commercial sale of wildlife.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 412**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to lifetime hunting, trapping, and fishing licenses.

Referred to the Committee on the Judiciary.

Senator Lindsay offered the following resolution:

**Senate Resolution 7**—Designating January 18, 2022, as Hunger-Free West Virginia Day.

Whereas, The West Virginia Senate recognizes food insecurity is pervasive in our communities, with 1-in-7 West Virginians not knowing where their next meal will come from; and

Whereas, The COVID-19 pandemic has increased hunger and highlighted the importance of our state's charitable food network system; and

Whereas, Before the pandemic 250,000 West Virginians struggled with food insecurity. Now, more than 320,000 of our neighbors are food insecure; and

Whereas, Hunger impacts hard-working West Virginia families, seniors, veterans, and our youngest West Virginians; and

Whereas, Children are at a higher risk of hunger, with 1-in-5 children not having enough to eat. Food insecurity negatively impacts a child's ability to learn and grow; and

Whereas, More than 10,000 West Virginia veterans struggle with hunger; and

Whereas, Many West Virginia seniors facing hunger have to decide between buying nutritious foods or paying other bills; and

Whereas, West Virginia has a strong network of non-profits fighting food insecurity, including two food banks and more than 600 community feeding partner programs; together Mountaineer Food Bank and Facing Hunger Food Bank along with partners distributed more than 35.4 million pounds of food in 2021; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates January 18, 2022, as Hunger-Free West Virginia Day.

Which, under the rules, lies over one day.

Senator Maynard offered the following resolution:

**Senate Resolution 8**—Uplifting faith and freedom in America.

Whereas, The United States of America, with its democratic system of representation, is dependent upon the fundamental truths that all people are created equal and are endowed by the Creator with certain inalienable rights, including life, liberty, and the pursuit of happiness; and

Whereas, Freedom of conscience has been highly valued in America since its earliest beginnings, not only by individuals seeking religious freedom in the American colonies but through colonial charters and laws, such as the 1658 "Flushing Remonstrance" that guaranteed citizens the freedom "to have and enjoy the liberty of conscience, according to the manner and custom of Holland, without molestation or disturbance" or the 1677

West Jersey "Laws, Concessions and Agreements" that allowed for complete religious liberty, stating "That no men, nor number of men upon earth, hath power or authority to rule over men's consciences in religious matters"; and

Whereas, Even with such an inspired beginning, some colonies sought religious uniformity and persecuted dissenters, driving them out to more tolerant colonies, such as Rhode Island, which led to the founding of new colonies such as Pennsylvania in 1681, which was created as a refuge for persecuted Quakers; and

Whereas, Knowing this volatile history, not only in colonial America but also in the Old World, founders such as Patrick Henry and George Mason created the Virginia Declaration of Rights in 1776 to ensure "that all men should enjoy the fullest toleration in the exercise of religion, according to the dictates of Conscience, unpunished and unrestrained by the Magistrate..."; and

Whereas, Expanding on this effort, Thomas Jefferson penned his first draft of the Virginia Statute of Religious Freedom in 1777 to fully disestablish the Church of England, an effort that finally came to fruition on January 16, 1786, under the guidance of James Madison; and

Whereas, "Religion or the duty which we owe our Creator" was recognized by the American founders to exist prior to the civil bonds of men in government. As explained by James Madison, "This right is in its nature an unalienable right ... This duty is precedent, both in order of time and in degree of obligation, to the claims of Civil Society"; and

Whereas, Thomas Jefferson stated, "Almighty God hath created the mind free. All attempts to influence it by temporal punishments or burthens ... are a departure from the plan of the holy Author of our religion ..."; and

Whereas, The Virginia Statute for Religious Freedom became the forerunner to the Free Exercise Clause of the First Amendment to the Constitution of the United States, ratified to protect the unalienable right of individuals to peacefully speak and act on their

religious beliefs and to ensure they would remain free from coercion to profess or act on a religious belief to which they do not adhere;

Whereas, Thomas Jefferson said of the First Amendment that it "guard(s) in the same sentence, and under the same words, the freedom of religion, of speech, and of the press; insomuch as that whatever violates either throws down the sanctuary which covers the others"; and

Whereas, Those who have studied America's form of government, such as Alexis de Tocqueville, have noted that religion plays a central role in preserving the nation, because religion provides the moral base that a free people require for self-government; and

Whereas, A long line of presidents, from President George Washington to the current day, has recognized the unique and foundational role of religious freedom to the survival of America, including President Franklin D. Roosevelt's statement that it "has been integral to the preservation of our other rights" or that "freedom of religion is a fundamental human right that must be upheld by every nation and guaranteed by every government," as expressed by President William Clinton; and

Whereas, In *Town of Greece v. Galloway*, 134 S. Ct. 1811 (2014), the Supreme Court of the United States affirmed that "people of many faiths may be united in a community of tolerance and devotion"; and

Whereas, For countless people of the United States, faith is an integral part of every aspect of daily life and is not limited to their homes, houses of worship, or doctrinal needs; and

Whereas, In America today, the growing ignorance of our rich religious heritage of freedom has been directly accompanied by an increasing hatred and a coarsening of civil discourse in the body politic; and

Whereas, This ignorance and intolerance, if left unchecked, will quench the very essence of America, and her beacon of

freedom will no longer serve as a light to the world; therefore, be it

*Resolved by the Senate:*

That we must once again value religious liberty and its vital importance to all human rights and to individual dignity and return to the principle that President George Washington expressed in his Farewell Address, that the happiness of a nation is connected with its virtue, and its virtue is dependent upon religious principle; and, be it

*Further resolved,* That we must protect the fabric of religious faith in God in this nation, for only by doing so will America be able to protect the fabric of freedom that has made this nation great; and, be it

*Further resolved,* That we request constant and fervent prayers for our leaders so that those who know God will be strengthened to maintain their faith and those who have no belief in God will, at a minimum, show civility and respect to those who do; and, be it

*Further resolved,* That we seek laws and public policies at all levels of government that will honor the long, hard road that our founders traveled from mere religious tolerance to true religious liberty for all American citizens; and, be it

*Further resolved,* That we seek God's continued grace, protection, guidance, and favor in the hope that America can soon overcome her civil discord and her disunity, so that her heritage of faith and freedom can remain a light of freedom to the nations; and, be it

*Further resolved,* That we proudly look back in history to the passage of the Virginia Statute of Religious Freedom on January 16, 1786, recognizing and affirming Religious Freedom Day to commemorate that great historical accomplishment that provided the heart of our First Amendment to the U.S. Constitution.

Which, under the rules, lies over one day.



The Senate proceeded to the tenth order of business.

**Senate Bill 244**, Relating to appointment of judges to Intermediate Court of Appeals.

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 Stollings and Lindsay.

At the request of Senator Stollings, and by unanimous consent, the Senate stood in observance of a moment of silence in recognition of the passing of the Honorable Joseph M. Minard, a former senator from the twelfth district and former Senate Clerk.

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

The Senate proceeded to the thirteenth order of business.

At the request of Senator Takubo, unanimous consent being granted, leaves of absence for the day were granted Senators Trump, Rucker, Smith, Maroney, Boley, Azinger, Karnes, Plymale, Brown, Romano, and Woelfel.

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 January 14, 2022:

**Senate Bill 11:** Senator Trump;

**Senate Bill 27:** Senator Baldwin;

**Senate Bill 32:** Senator Stollings;

**Senate Bill 33:** Senator Stollings;

**Senate Bill 46:** Senator Baldwin;

**Senate Bill 48:** Senator Baldwin;

**Senate Bill 55:** Senator Baldwin;  
**Senate Bill 64:** Senator Hamilton;  
**Senate Bill 70:** Senator Stover;  
**Senate Bill 73:** Senator Baldwin;  
**Senate Bill 76:** Senator Baldwin;  
**Senate Bill 85:** Senator Stollings;  
**Senate Bill 97:** Senator Baldwin;  
**Senate Bill 128:** Senator Baldwin;  
**Senate Bill 134:** Senator Grady;  
**Senate Bill 139:** Senator Grady;  
**Senate Bill 164:** Senator Stollings;  
**Senate Bill 166:** Senator Stollings;  
**Senate Bill 168:** Senator Stollings;  
**Senate Bill 169:** Senator Stollings;  
**Senate Bill 177:** Senator Stollings;  
**Senate Bill 178:** Senator Stollings;  
**Senate Bill 181:** Senator Stollings;  
**Senate Bill 184:** Senator Stollings;  
**Senate Bill 186:** Senator Stollings;  
**Senate Bill 198:** Senator Stollings;  
**Senate Bill 199:** Senator Stollings;  
**Senate Bill 203:** Senator Stollings;

**Senate Bill 234:** Senator Stollings;

**Senate Bill 268:** Senators Smith, Roberts, Woelfel, Jeffries, Lindsay, and Caputo;

**Senate Bill 270:** Senators Hamilton and Maroney;

**Senate Bill 271:** Senator Roberts;

**Senate Bill 273:** Senator Hamilton;

**Senate Bill 274:** Senator Hamilton;

And,

**Senate Resolution 6:** Senators Jeffries, Lindsay, Baldwin, Stollings, and Beach.

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, January 18, 2022, at 11 a.m.

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## TUESDAY, JANUARY 18, 2022

The Senate met at 11:01 a.m.

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

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

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert H. Plymale, a senator from the fifth district.

Pending the reading of the Journal of Monday, January 17, 2022,

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

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 253**, Relating to voting precincts and redistricting.

And has amended same.

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

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

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 Hamilton, Beach, Boley, Clements, Grady, Jeffries, Karnes, Lindsay, Nelson, Roberts, Stollings, Stover, Trump, Weld, and Woelfel:**

**Senate Bill 413**—A Bill to amend and reenact §61-2-9a of the Code of West Virginia, 1931, as amended, relating to clarifying the criminal offense of stalking in West Virginia; and ensuring that this definition is clearly defined to include stalking as a direct form of harassment anticipated by the Code.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 414**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-8-5a; and to amend and reenact §5A-8-7 of said code, all generally relating to creating a special revenue account for the statewide records management program; and authorizing the State Records Administrator to collect fees for services provided.

Referred to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 415**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-20b, relating to severance taxes; capping severance tax collections in general revenue at a specified percentage and dedicating any excess above the specified percentage to a special revenue account; creating a special revenue account; setting out the purpose of the account and use of funds therein; and providing for administration of the account.

Referred to the Committee on Finance.

**By Senator Grady:**

**Senate Bill 416**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §35-1A-1, §35-1A-2, and §35-1A-3, all relating to forbidding excessive government limitations on exercise on religion; providing definitions; forbidding government to treat religious conduct more restrictively than any conduct of reasonably comparable risk; forbidding government to treat religious conduct more restrictively than comparable conduct because of alleged economic need or benefit; ensuring that, in all cases where state action is alleged to substantially burden the exercise of religion, that a compelling interest test is mandated, and strict scrutiny is applied; providing remedies; and addressing applicability, construction, and severability.

Referred to the Committee on the Judiciary.

**By Senators Sypolt, Brown, Hamilton, Martin, Maynard, Stollings, and Stover:**

**Senate Bill 417**—A Bill to amend and reenact §8-15-8b of the Code of West Virginia, 1931, as amended, relating to authorized expenditures of revenues from certain state funds for fire departments; clarifying and expanding categories of allowable expenditures; permitting state grant funds to be deposited into a state account and be transferred from the account for unrestricted use; and setting forth a 60-day time frame for fire departments receiving grant funds to transfer unrestricted funds from a restricted account.

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

**By Senator Weld:**

**Senate Bill 418**—A Bill to amend and reenact §5-16-22 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-46-18 of said code, all relating to removing the Public Employees Insurance Agency's exemption from the provisions of chapters 5 and 33 of the Code of West Virginia.

Referred to the Committee on Banking and Insurance.

**By Senator Weld:**

**Senate Bill 419**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29, relating to the establishment of a pilot project in Cabell, Ohio, and Wood Counties by the Department of Health and Human Resources; evaluating the impact that post-discharge planning and the provision of wraparound services has on the outcomes of substance use disorder in three years post-substance use disorder residential treatment; setting forth service area for pilot project; setting terms of performance-based contract; and requiring reporting.

Referred to the Committee on Health and Human Resources.

**By Senators Sybolt, Brown, Hamilton, Martin, Maynard, Stollings, and Stover:**

**Senate Bill 420**—A Bill to amend and reenact §29-3E-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-3-14d and §33-3-33 of said code, all relating generally to the distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments; defining terms; providing the method of allocation and distribution for proceeds of the fireworks safety fee deposited in the Fire Protection Fund; eliminating obsolete language; requiring the State Fire Marshal to provide certain information to the State Treasurer; and clarifying the requirements for distribution of funds in the Fire Protection Fund.

Referred to the Committee on Government Organization.

**By Senator Trump:**

**Senate Bill 421**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5J-1, §21-5J-2, §21-5J-3, §21-5J-4, §21-5J-5, §21-5J-6, §21-5J-7, §21-5J-8, §21-5J-9, and §21-5J-10, all relating to creating a paid parental leave pilot program; providing findings and purpose; definitions; paid parental leave and requirements for claiming benefits; requiring employer to continue group health insurance coverage for employee; employment benefits and seniority position upon return from leave; benefits not to accrue during period of leave; employers required to respond to survey to Department of Labor; requiring department to report to Joint Committee on Government Organization; authorizing emergency rulemaking authority; and providing December 31, 2026, sunset.

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

**By Senator Rucker:**

**Senate Bill 422**—A Bill to amend and reenact §15-2B-2, §15-2B-3, §15-2B-5, §15-2B-6, §15-2B-9, and §15-2B-11 of the Code of West Virginia, 1931, as amended, all relating to DNA that is maintained for law-enforcement purposes in West Virginia; providing updates for the policy of maintaining DNA; updating

definitions; adding language to further define and include qualified arrestees; updating where DNA may be stored; promulgating rules; and further defining expungement.

Referred to the Committee on the Judiciary.

**By Senators Sypolt and Clements:**

**Senate Bill 423**—A Bill to amend and reenact §17B-2-1 and §17B-2-8 of the Code of West Virginia, 1931, as amended, all relating to exempting persons with valid religious objections from having their photographs taken and placed on government licenses or other identification cards; and requiring rules to implement this exemption.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

**By Senators Sypolt, Baldwin, Karnes, Phillips, Smith, and Woodrum:**

**Senate Bill 424**—A Bill to repeal §19-1-10 and §19-15-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-13DD-3 of said code; to amend and reenact §19-1-4a and §19-1-11 of said code; to amend said code by adding thereto two new sections, designated §19-1-13 and §19-1-14; to amend and reenact §19-2C-1, §19-2C-6a, and §19-2C-10 of said code; to amend and reenact §19-9-7a of said code; to amend and reenact §19-12E-4 and §19-12E-5 of said code; to amend said code by adding thereto a new article, designated §19-14A-1, §19-14A-2, §19-14A-3, §19-14A-4, §19-14A-5, §19-14A-6, §19-14A-7, §19-14A-8, §19-14A-9, §19-14A-10, §19-14A-11, §19-14A-12, §19-14A-13, §19-14A-14, and §19-14A-15 of said code; to amend and reenact §19-15A-4 of said code; to amend and reenact §19-16-6 of said code; to amend and reenact §19-16A-21 of said code; to amend and reenact §19-20C-3 of said code; and to amend and reenact §19-36-2 and §19-36-5 of said code, all relating generally to the 2022 Farm Bill; raising the West Virginia Farm-to-Food bank tax credit from \$2,500 to \$5,000; allowing for retroactive application of the tax credit; allowing the Commissioner of Agriculture to accept funds from various federal agencies; repealing requirement for Social Security numbers to be included



on applications; removing reporting requirement to Joint Committee; requiring commissioner to report to the Legislature; authorizing commissioner to add interest to debts owed the department; authorizing department to file liens against persons who owe debts; modifying definitions; revising requirements for membership on the board of review; providing compensation for board members; clarifying advertising requirements; changing the National Animal Identification System to the Animal Disease Traceability Program; requiring license from state to produce industrial hemp; allowing commissioner to recognize hemp license issued by the USDA; creating the West Virginia Animal Remedy law; defining terms; establishing powers and duties of commissioner; providing exemptions; requiring registration of animal remedy products; providing commissioner authority to refuse, suspend, or revoke the registration of animal remedies; providing the right to hearing or appeal of decisions to suspend, refuse, or revoke applications; establishing labeling requirements; establishing when an animal remedy is adulterated; establishing when an item is misbranded; allowing commissioner to issue and enforce embargo orders, confiscate product, condemn, and seek injunction against violators; requiring commissioner keep trade secrets confidential; establishing prohibited acts; establishing criminal and civil penalties for violations; providing penalty for deviation in product; repealing publication requirement for West Virginia fertilizer law; removing requirement that commissioner published a report on the West Virginia seed law; allowing commissioner to deny, suspend, or modify license if applicant has violated, convicted, or assessed penalty under the federal insecticide, fungicide, and rodenticide act; removing outdated reporting requirement provision; defining agritourism; and establishing that agritourism does not affect the zoning law.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

**By Senator Lindsay:**

**Senate Bill 425**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-4-22; and to amend and reenact §49-2-906 of said code, all

relating to requiring that free feminine hygiene products be provided to female prisoners in state correctional facilities and female juveniles in juvenile detention; specifying the time frame in which they must be provided; and defining a term.

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

Senators Weld and Trump offered the following resolution:

**Senate Resolution 9**—Designating January 19, 2022, as West Virginia Tourism Day at the Legislature.

Whereas, West Virginia's scenic beauty, four seasons, and unmatched outdoor recreation set the stage for a first-class tourism product that is well-positioned for long-term growth and development; and

Whereas, The tourism industry in West Virginia has celebrated tremendous gains over the past three years with the launch of the new Almost Heaven campaign, including 14.7 percent growth in traveler spending; and

Whereas, Tourism represents a significant economic impact for both state and local economies, including \$4.7 billion in traveler spending and \$791 million in state and local tax revenue; and

Whereas, The tourism industry supports more than 47,600 jobs annually in West Virginia; and

Whereas, Tourism's overall impact is supported by thousands of tourism-related businesses that host visitors each year, creating first-class experiences for travelers and helping local economies flourish; and

Whereas, The West Virginia Department of Tourism has significantly increased its marketing efforts both in-state and out-of-state; and

Whereas, Public relations efforts by the Department of Tourism have positioned West Virginia as a "must-visit vacation"

destination by global publications like TIME magazine, Conde Naste, Lonely Planet, USA Today, Frommers, and more; and

Whereas, The Department of Tourism's cooperative advertising program has led to nearly \$10 million in public-private investment, supporting tourism advertising for more than 70 tourism businesses statewide; and

Whereas, These collective efforts of the Department of Tourism and industry partners across the state help to showcase the Mountain State as a world-class travel and tourism destination; and

Whereas, Tourism is a bright spot in West Virginia's economy and offers tremendous potential for future growth; therefore, be it

*Resolved by the Senate:*

That the West Virginia Senate hereby designates January 19, 2022, as West Virginia Tourism Day at the Legislature; and be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Department of Tourism.

Which, under the rules, lies over one day.

At the request of Senator Takubo, and by unanimous consent, Senators Tarr, Weld, Woodrum, and Takubo offered the following resolution from the floor:

**Senate Resolution 10**—Adopting a special rule of order relating to the COVID-19 pandemic for the second regular session of the Eighty-Fifth Legislature.

Whereas, Pursuant to the provisions of Article VI, Section 18 of the Constitution of the State of West Virginia, the Eighty-Fifth Legislature organized on the thirteenth day of January, 2021; and

Whereas, COVID-19, the disease caused by the SARS-CoV2 virus, threatens the ability of members to fulfill their constitutional duties; and

Whereas, The Constitution of the State of West Virginia empowers each house of the Legislature to determine the rules of its proceedings; and

Whereas, Due to the COVID-19 pandemic, a special rule of order is necessary to allow for the safe and continual operation of Senate floor sessions and committee meetings during the legislative session; therefore, be it

*Resolved by the Senate:*

That a special rule of order be adopted for the second regular session of the Eighty-Fifth Legislature; and, be it

*Further Resolved,* That members who have been diagnosed with COVID-19, notified of potential exposure to someone diagnosed with COVID-19, or who have been determined by a physician to be at a higher risk for developing serious complications from COVID-19 may designate the Majority Leader or the Minority Leader to be their proxy and to vote on their behalf during Senate floor sessions: *Provided,* That the presiding officer may, if needed, designate additional members from both the majority and minority to serve as proxies. A member may act as proxy for more than one absent member. Any member seeking to designate a proxy shall make a written or electronic request to the presiding officer, or appropriate designee, and provide documentation of his or her diagnosis, notification of potential exposure, or determination of being at a higher risk no later than one (1) hour prior to the commencement of the floor session. Each absent member, along with their designated proxy, shall be recorded in the Journal. Personal health information related to a proxy voting request or designation is exempt from public disclosure; and, be it

*Further Resolved,* That prior to the start of the third order of business, the presiding officer shall announce all members who are absent and have been approved to cast votes by proxy. During any division of the body or when the yeas and nays are called for, and after the votes of the members present have been counted or recorded, the presiding officer shall recognize the Majority and

Minority Leaders or any other designated proxy, who shall announce the votes of each absent member for which they are authorized to vote, and the result of the vote shall be recorded in the Journal; and, be it

*Further Resolved*, That the provisions of Rule 43 of the Rules of the Senate shall apply to proxy voting during Senate floor sessions; and, be it

*Further Resolved*, That a member who has designated a member to act as proxy during a Senate floor session shall be counted as present for purposes of a quorum; and, be it

*Further Resolved*, That members who have been diagnosed with COVID-19, notified of potential exposure to someone diagnosed with COVID-19, or determined by a physician to be at a higher risk for developing serious complications from COVID-19 be allowed to participate remotely in committee meetings and hearings as though they were physically present, that such members be counted as present in determining a quorum, and that such members may vote on every question subject to Senate Rule 43. The Chair shall provide for simultaneous video and/or audio participation among all members; and, be it

*Further Resolved*, That the presiding officer may modify, alter, expand, suspend, or terminate this special rule of order as it relates to participation, including but not limited to proxy voting, in Senate floor sessions and committee meetings as the presiding officer determines, in his discretion, is appropriate; and, be it

*Further Resolved*, That this special rule of order shall only be in effect for the duration of the second regular session of the Eighty-Fifth Legislature.

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

The Senate proceeded to the seventh order of business.

**Senate Resolution 7**, Designating January 18, 2022, as Hunger Free WV Day.

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

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Lindsay regarding the adoption of Senate Resolution 7 were ordered printed in the Appendix to the Journal.

**Senate Resolution 8**, Uplifting faith and freedom in America.

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

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Maynard regarding the adoption of Senate Resolution 8 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the ninth order of business.

**Senate Bill 244**, Relating to appointment of judges to Intermediate Court of Appeals.

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.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Weld and Baldwin.

Thereafter, at the request of Senator Lindsay, and by unanimous consent, the remarks by Senators Weld and Baldwin were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

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

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 January 17, 2022:

**Senate Bill 217:** Senator Roberts.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 17, 2022:

**Senate Bill 4:** Senator Woodrum;

**Senate Bill 14:** Senator Roberts;

**Senate Bill 26:** Senator Woodrum;

**Senate Bill 113:** Senator Woodrum;

**Senate Bill 131:** Senator Woodrum;

**Senate Bill 132:** Senator Woodrum;

**Senate Bill 142:** Senator Grady;

**Senate Bill 219:** Senator Grady;

**Senate Bill 229:** Senator Grady;

**Senate Bill 248:** Senator Hamilton;

**Senate Bill 253:** Senator Hamilton;

**Senate Bill 261:** Senators Jeffries and Grady;

**Senate Bill 267:** Senator Grady;

**Senate Bill 270:** Senator Jeffries;

**Senate Joint Resolution 1:** Senator Roberts;

**Senate Joint Resolution 3:** Senator Jeffries;

**Senate Joint Resolution 4:** Senator Jeffries;

**Senate Joint Resolution 8:** Senator Jeffries;

**Senate Concurrent Resolution 5:** Senator Jeffries;

**Senate Resolution 4:** Senator Jeffries;

**Senate Resolution 7:** Senators Hamilton, Caputo, Baldwin, Stollings, and Jeffries;

And,

**Senate Resolution 8:** Senators Hamilton, Baldwin, and Roberts.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:18 a.m., the Senate adjourned until tomorrow, Wednesday, January 19, 2022, at 11 a.m.

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WEDNESDAY, JANUARY 19, 2022

The Senate met at 11 a.m.

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

Prayer was offered by David Lavender, Senate Sergeant at Arms, Hurricane, West Virginia.



The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Tom Takubo, a senator from the seventeenth district.

Pending the reading of the Journal of Tuesday, January 18, 2022,

At the request of Senator Clements, 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 fourth order of business.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 35**, Adding grievance and appellate procedures for individuals participating in DMV Safety and Treatment Program.

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

**Com. Sub. for Senate Bill 35** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17C-5A-3 of the Code of West Virginia, 1931, as amended, relating to the addition of a grievance procedure and judicial review for participants who are aggrieved by decisions of a provider of the Division of Motor Vehicles' Safety and Treatment Program; and authorizing the Commissioner of the Division of Motor Vehicles to promulgate legislative and emergency rules.

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,

Ryan W. Weld,  
*Vice Chair.*

The bill (Com. Sub. for S. B. 35), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration

**Senate Bill 44**, Requiring State Fire Commission propose rules for sprinkler protection in basements of certain buildings.

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

**Com. Sub. for Senate Bill 44** (originating in the Committee on Government Organization)—A Bill to amend and reenact §15A-11-5 of the Code of West Virginia, 1931, as amended, relating to requiring State Fire Commission to propose rules relating to sprinkler protection for new buildings housing emergency fire, rescue, or ambulance services; and exempting emergency services buildings not exceeding a total of 2,500 square feet that house only equipment and do not have designated sleeping areas or quarters within them.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

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

Your Committee on Education has had under consideration

**Senate Bill 60**, Allowing BOE create and provide course in family and consumer sciences in secondary schools.

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

Respectfully submitted,

Rollan A. Roberts,  
*Vice Chair.*

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

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 105**, Returning refundable exemption for road construction contractors to State Road Fund.

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

**Com. Sub. for Senate Bill 105** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to the consumers sales and service tax refundable exemption for sales of construction and maintenance materials; reinstating the refundable exemption for sales of construction and maintenance materials acquired by a second party for use in Division of Highways projects; specifying duties of Tax Commissioner and Division of Highways; specifying procedures for the refundable exemption; and setting forth calculation of reimbursement.

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,

Charles H. Clements,  
*Chair.*

The bill (Com. Sub. for S. B. 105), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 213**, Establishing licensed professional counseling compact.

And,

**Senate Bill 214**, Updating telepsychology compact.

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

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

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

Your Committee on Education has had under consideration

**Senate Bill 229**, Requiring impact statement in certain instances of school closing or consolidation.

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

**Com. Sub. for Senate Bill 229** (originating in the Committee on Education)—A Bill to amend and reenact §18-5-13a of the Code

of West Virginia, 1931, as amended, relating to requiring an impact statement in certain instances of a school closing or consolidation; requiring State Board of Education rule detailing information that a county board is required to include as part of its impact statement; and setting forth minimum requirements for the rule.

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,

Rollan A. Roberts,  
*Vice Chair.*

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

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

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

**Senate Bill 262**, Relating generally to financial institutions engaged in boycotts of energy companies.

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

**Com. Sub. for Senate Bill 262** (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend the Code of West Virginia, 1931, as amended, by creating a new section, designated §12-1-15, relating generally to financial institutions engaged in boycotts of energy companies; defining terms; authorizing the State Treasurer to prepare, maintain, and publish a list of financial institutions engaged in boycotts of energy companies; requiring the Treasurer to post the list on his or her website and submit the list to certain public officials; setting forth

sources of information on which the Treasurer may rely on preparing the list; requiring the Treasurer to send written notice to a financial institution of its inclusion on the list; requiring the Treasurer to remove a financial institution from the list if it presents information demonstrating that it is not engaged in a boycott of energy companies; authorizing the Treasurer to exclude financial institutions on the list from the selection process for state banking contracts; authorizing the Treasurer to refuse to enter into a banking contract with a financial institution on the list; authorizing the Treasurer to require, as a term of a banking contract, an agreement by the financial institution not to engage in a boycott of energy companies; and limiting liability of public officials, public employees, and members or employees of financial institutions for actions taken in compliance with the new code section.

With the recommendation that the committee substitute do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Randy E. Smith,  
*Chair.*

At the request of Senator Smith, and by unanimous consent, the bill (Com. Sub. for S. B. 262) contained in the foregoing report from the Committee on Energy, Industry, and Mining was then referred to the Committee on Finance.

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

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 1**, US Army PFC Billy Keith Ford Memorial Bridge.

**Senate Concurrent Resolution 3**, USMC CAPT Dempsey Stowers Memorial Bridge.

And,

**Senate Concurrent Resolution 6**, Holden 22 Coal Miners Memorial Bridge.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

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

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 5**, US Marine Corps CPL James "Bud" Cox Memorial Bridge.

And reports back a committee substitute for same as follows:

**Com. Sub. for Senate Concurrent Resolution 5** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 54-068/00-009.73 (54A259), (39.19674, -81.65356) locally known as Race Track Bridge, carrying WV Route 68 over the North Fork of Lee Creek in Wood County, the "U.S. Marine Corps CPL James 'Bud' Cox Memorial Bridge".

Whereas, James "Bud" Cox was born on May 25, 1946, in Parkersburg, West Virginia, the son of James Blake Cox and Betty Jane Cox; and

Whereas, James "Bud" Cox and his lifelong friend, Joseph A. Memel, grew up playing under the bridge located at WV Route 68 South across from the local racetrack, which is now being replaced with the bridge being requested herein to be named in honor of James; and

Whereas, James "Bud" Cox graduated from Parkersburg High School with the Class of 1965. While in high school, he was a member of the woodworking club and a student in home room #120; and

Whereas, James "Bud" Cox and his friend, Joseph A. Memel, enlisted together in the U.S. Marine Corps on December 14, 1965. James "Bud" Cox took his boot camp training at Parris Island and infantry training at Camp Lejuene. He was stationed in Cuba before being issued orders for Vietnam; and

Whereas, When CPL James "Bud" Cox arrived in Vietnam on May 14, 1967, he was assigned to Weapons with 3rd Platoon, Echo Company, 2nd Battalion, 3rd Marine Regiment, 3rd Marine Division; and

Whereas, CPL James "Bud" Cox received shrapnel wounds to his leg from a mortar round on May 24, 1967, in the vicinity of Gio Linh District. He was medevacked to and recovered aboard the USS Princeton, and he returned to the field June 10, 1967; and

Whereas, On December 28, 1967, CPL James "Bud" Cox was serving as a machine gun squad leader with the E Company Weapons Platoon, 2nd Battalion 3rd Marines. Echo Company was conducting a sweep of Quang Nam Province when they made heavy contact with a large force with the North Vietnamese Army and he was fatally wounded by a mine/booby trap during combat at LZ Hawk, Bao An Dong, Go Noi Island, during Operation Auburn; and

Whereas, At the time of his death, CPL James "Bud" Cox was 21 years old and had served in Vietnam for seven months and 14 days; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Marine Corps CPL James "Bud" Cox and his sacrifice for our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*



That the Division of Highways is hereby requested to name bridge number 54-068/00-009.73 (54A259), (39.19674, - 81.65356) locally known as Race Track Bridge, carrying WV Route 68 over the North Fork of Lee Creek in Wood County, the "U.S. Marine Corps CPL James 'Bud' Cox 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 "U.S. Marine Corps CPL James "Bud" Cox 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.

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

Charles H. Clements,  
*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 Takubo:**

**Senate Bill 426**—A Bill to amend and reenact §11-17-3 and §11-17-4B of the Code of West Virginia, 1931, as amended, all relating to increasing the tax on cigarettes to the amount of \$1.50 and an equal rate of tax on the nicotine in e-cigarettes and vape products.

Referred to the Committee on Finance.

**By Senator Takubo:**

**Senate Bill 427**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-19, relating to permitting West Virginia Board of Medicine

investigators to carry a concealed weapon; establishing procedures and criteria for allowing investigators to carry a concealed weapon; and limiting liability for good faith acts or omissions.

Referred to the Committee on the Judiciary.

**By Senator Geffert:**

**Senate Bill 428**—A Bill to amend and reenact §21-5C-1 and §21-5C-2 of the Code of West Virginia, 1931, as amended; all relating generally to minimum wage; deleting the proviso excluding employers who have 80 percent of their employees subject to a federal act relating to maximum hours and overtime compensation; increasing the state minimum wage to \$10.50 after December 31, 2022; and requiring the minimum wage to be annually increased with the rate of inflation as determined by the consumer price index and on the thirtieth day of September beginning in 2024, to be effective after the following thirty-first day of December.

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

**By Senator Sypolt:**

**Senate Bill 429**—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to increasing the exclusion for West Virginia Public Employees' Retirement System participants from \$2,000 to \$20,000.

Referred to the Committee on Finance.

**By Senators Grady, Clements, Phillips, Roberts, and Stover:**

**Senate Bill 430**—A Bill to amend and reenact §33-2-5 of the Code of West Virginia, 1931, as amended, relating to modifying the witness fee rate paid by the State of West Virginia to match the U.S. Federal Court system.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 431**—A Bill to amend and reenact §60A-4-416 of the Code of West Virginia, 1931, as amended, relating to the Uniform Controlled Substances Act; offenses and penalties; drug delivery resulting in death; and defining and clarifying the phrase "engaged in the illegal use of a controlled substance".

Referred to the Committee on the Judiciary.

**By Senators Nelson and Clements:**

**Senate Bill 432**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22m; and to amend said code by adding thereto a new section, designated §18-7A-26x, all relating to the Public Employees Retirement System and the State Teachers Retirement System; and providing a one-time bonus of \$1,500 for certain annuitants.

Referred to the Committee on Finance.

**By Senator Nelson:**

**Senate Bill 433**—A Bill to amend and reenact §8-15-1 of the Code of West Virginia, 1931, as amended, relating to municipal fire departments; granting municipal fire marshal the authority to assist in the lawful execution of another law-enforcement officer's official duties.

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

**By Senator Nelson:**

**Senate Bill 434**—A Bill to amend and reenact §8-28-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-29-1, §8-29-2, §8-29-3, §8-29-4, §8-29-5, §8-29-6, §8-29-8, §8-29-9, §8-29-12, §8-29-17, and §8-29-20 of said code; and to amend and reenact §8-29B-2, §8-29B-3, and §8-29B-5 of said code, all relating to defining abandoned aircraft and providing for the disposal of such abandoned aircraft; to increasing the cost of violations for pedestrian traffic near airports and airport rules and regulations; updating certain terms and definitions; adding the term "international airport" and "vertiport" to certain areas of the code;

adding to the authority of airports; and updating retirement information.

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

**By Senator Trump:**

**Senate Bill 435**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2D-8, relating to awarding the service weapon of a retiring Division of Protective Services member to the retiree without charge when the retiring member honorably retires with at least 10 years of service or with less than 10 years of service based upon determination that the retiring member is totally physically disabled as a result of service with the Division of Protective Services; prohibiting the award of a service weapon to a retiring member whom the Division of Protective Services knows is prohibited from possessing a firearm, is mentally incapacitated, or a danger to any person or the community; authorizing the sale of service weapons that are taken out of service due to routine wear to any active or retired Division of Protective Services member; providing that proceeds from the sales be used to offset the cost of new service weapons; and exempting the sale from the requirements of the Purchasing Division.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 436**—A Bill to amend and reenact §20-3-6 of the Code of West Virginia, 1931, as amended, relating to correcting an incorrect code citation in regard to the enforcement authority of the State Fire Marshal.

Referred to the Committee on Government Organization.

**By Senator Trump:**

**Senate Bill 437**—A Bill to amend and reenact §62-12-18 of the Code of West Virginia, 1931, as amended, relating to the granting of early discharge to parolees after a minimum of one year on parole; allowing the Commissioner of the Division of

Corrections and Rehabilitation or designee to request early discharge of a parolee; and providing that the Chairperson of the Parole Board grant early discharge from parole for a parolee upon review of the request for early discharge.

Referred to the Committee on the Judiciary.

Senators Stover, Grady, Maynard, Phillips, Roberts, Sypolt, and Woodrum offered the following resolution:

**Senate Concurrent Resolution 13**—Requesting the Division of Highways name the bridge at coordinates 37.501667, -81.336111, carrying WV 10 over Noseman Branch in Wyoming County, the "U. S. Army PFC Joseph Stanley McKinney Memorial Bridge".

Whereas, Joseph Stanley McKinney was born July 20, 1947, in Herndon, West Virginia; and

Whereas, Joseph Stanley McKinney graduated from Herndon High School in 1966; and

Whereas, PFC Joseph Stanley McKinney entered the U. S. Army during the Vietnam War as a member of the 4th Infantry, Division 12th Infantry, 3rd Battalion; and

Whereas, PFC Joseph Stanley McKinney was killed in action on January 23, 1968, in the Kontum Province of Vietnam during the Tet Offensive; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army PFC Joseph Stanley McKinney and his ultimate sacrifice to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the bridge at coordinates 37.501667, -81.336111, carrying WV 10 over Noseman Branch in Wyoming County, the "U. S. Army PFC Joseph Stanley McKinney 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 "U. S. Army PFC Joseph Stanley McKinney 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 Takubo offered the following resolution:

**Senate Concurrent Resolution 14**—Requesting the Division of Highways name bridge number 20-060/00-028.94 (20A347), locally known as 13th St. Overpass, carrying US 60 over CR 60/18 in Kanawha County, the "U.S. Army SSGT Elson M. Kuhn Memorial Bridge".

Whereas, U.S. Army SSGT Elson Merrill Kuhn was born on September 28, 1921, in Bim, West Virginia, and attended Van High School. He served in the First Cavalry Division, U.S. Army, in the Pacific Theater, comprising the Philippines, New Guinea, New Caledonia, and the occupation force in Japan during World War II as duration duty orders, entering in 1942, and honorably discharged as a Staff Sergeant on January 14, 1946; and

Whereas, After serving in the U.S. Army for four years, SSGT Elson Merrill Kuhn returned to West Virginia to work for the coal industry and the industrial baseball league. He remained employed in the mining industry for a 40-year career as an electrician, after becoming licensed by the state and federal government; and

Whereas, Before U.S. Army, SSGT Elson Merrill Kuhn contributed significantly to the building and upkeep of Kanawha State Forest through his membership in the Civilian Conservation Corps, No. 2599 S76 Camp at Kanawha State Forest. He assisted in building the recreation areas and other infrastructure, including the dam, roads, fire towers, bridges, restrooms, picnic shelters, and log home of the superintendent. Throughout his life, he also participated in raising funds, building shelters, replacing

dilapidated foot bridges, and holding reunions at Kanawha State Forest; and

Whereas, U. S. Army SSGT Elson Merrill Kuhn died after a long illness on Tuesday, September 9, 2003, at Hubbard Hospice House in Charleston, West Virginia. He died at the age of 81, leaving behind a wife of 56 years, seven children, 11 grandchildren, eight great-grandchildren, two siblings, and many nieces and nephews; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army SSGT Elson M. Kuhn and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 20-060/00-028.94 (20A347), locally known as 13th St. Overpass, carrying US 60 over CR 60/18 in Kanawha County, the "U. S. Army SSGT Elson M. Kuhn 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 "U. S. Army SSGT Elson M. Kuhn 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 Takubo offered the following resolution:

**Senate Concurrent Resolution 15**—Requesting the Division of Highways name bridge numbers 20-077/00-113.44 (NB & SB) (20A232, 20A450), locally known as I-77 White Chapel Bridge, carrying Interstate 77 (NB & SB) over CR 21 in Kanawha County, the "U.S. Army PVT Shirley E. Bailey Memorial Bridge".

Whereas, PVT Shirley E. Bailey served in World War II, and was killed in action in the Hurtgen Forest, on the Belgium/Germany border on November 29, 1944; and

Whereas, PVT Shirley E. Bailey was born on April 17, 1925, and attended schools in Sissonville, West Virginia. He dropped out of school in the ninth grade to work on a dairy farm to help support his family; and

Whereas, PVT Shirley E. Bailey was drafted by the United States Army at the age of 18 in September 1943, and was sent to France after completing basic training; and

Whereas, In France, PVT Shirley E. Bailey was injured during a battle and recuperated in a hospital, after which he received a Purple Heart and a Silver Star for his bravery and efforts during battle; and

Whereas, After recuperating, PVT Shirley E. Bailey was sent to the front lines in Germany as a medic with the U.S. Army's Company G, 8th Infantry Regiment, 4th Infantry Division. He provided medical support to dozens of casualties during the Battle of the Hurtgen Forest; and

Whereas, During the Battle of Hurtgen Forest, PVT Shirley E. Bailey earned the recognition of officers in his unit who recommended him for a Silver Star, with a citation that noted he "worked continually for over 14 hours under recurrent hostile artillery barrages to administer aid to the wounded and to direct litter carriers in evacuation of the seriously wounded"; and

Whereas, PVT Shirley E. Bailey went back and forth through mine fields from one point to another until all wounded were evacuated. He was not wounded on the first day of fighting east of Schevenhutte; and

Whereas, On November 29, 1944, during another battle, the 2nd Battalion lost 35 soldiers, with as many as 15 men from Company G killed or wounded and with PVT Shirley E. Bailey as one of the casualties. PVT Shirley E. Bailey was fatally wounded as he assisted other soldiers in need of medical aid, and for his



bravery, he earned another Purple Heart and Silver and Bronze Stars; and

Whereas, PVT Shirley E. Bailey's remains were left on the battlefield, found by a local German citizen three years later, and ultimately buried in the Ardennes American Cemetery, Neuville-en-Condroz, Belgium where he remained for 70 years unidentified; and

Whereas, PVT Shirley E. Bailey is memorialized on the Walls of the Missing at the Netherlands American War Cemetery and Memorial in the village of Margraten; and

Whereas, The U.S. Army in Nebraska worked to identify fallen soldiers in an effort to bring them home and identified PVT Shirley E. Bailey after extensive DNA testing, notifying his family, and returning his remains to Yeager Airport, on November 29, 2017; and

Whereas, PVT Shirley E. Bailey was given a memorial service with full military rites at Keller Funeral Home in Dunbar, West Virginia. He was laid to rest at the Donel C. Kinnard Memorial State Veteran's Cemetery in Institute, West Virginia on December 2, 2017, being the first veteran killed in action to be buried there; and

Whereas, 74 years after PVT Shirley E. Bailey was drafted and after having been awarded two Purple Hearts, two Silver Stars, and one Bronze Star, he was finally home in West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate the contributions of PVT Shirley E. Bailey to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge numbers 20-077/00-113.44 (NB & SB) (20A232, 20A450), locally known as I-77 White Chapel Bridge, carrying Interstate 77 (NB & SB) over CR 21 in Kanawha County, the "U.S. Army PVT Shirley E. Bailey 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 "U.S. Army PVT Shirley E. Bailey 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 Romano offered the following resolution:

**Senate Resolution 11**—Designating January 20, 2022, as a day to recognize the importance and contributions of Aviation and Aerospace in the great State of West Virginia.

Whereas, The Aviation industry in West Virginia has existed for nearly a century; and

Whereas, Airports had played, and continue to play a critical role in promoting economic development opportunities, serving national defense purposes, and facilitating response to natural disasters, medical emergencies, and search and rescue operations; and

Whereas, Affordable, reliable, and safe air service is integral to our communities, citizens, businesses, and state; and

Whereas, Growth for air service in West Virginia equates to increased economic development and vital funding improvements to West Virginia's airports and creates increased access to our state; and

Whereas, West Virginia airports, with strategic commercial air service, provide convenience to our state's 1.8 million residents and the hundreds of thousands of visitors to our state annually; and

Whereas, General aviation airports provide access to all corners of our state's rural and urban metropolitan. Such areas facilitating important business activities and constituting the

majority of our state's aviation activities including air charter, emergency medical transport, law enforcement, and flight training operations; and

Whereas, The location of federal aerospace facilities in West Virginia has contributed to the continued growth of the aerospace industry; and

Whereas, The results of the 2020 West Virginia Aviation Economic Impact Study indicate airports in West Virginia contribute over \$1.6 billion to the state's economy, support over 10,700 jobs with a payroll of \$550 million, and generates over \$75 million in state and local tax revenues annually; and

Whereas, The West Virginia Aeronautics Commission, charged with promoting and expanding aviation in our state, is an agency of the West Virginia Department of Transportation; and

Whereas, The West Virginia Airport Managers Association represents commercial and general aviation airports and industry partners throughout the Mountain State; and

Whereas, West Virginia has 24 airports in the National Plan of Integrated Airport Systems—seven of which are served by commercial airlines, one is a large reliever airport within the Washington, DC metropolitan region, and 16 serve general aviation purposes; and

Whereas, West Virginia has been a host to aircraft industries for more than 90 years. From the opening of a Fokker Aircraft plant in Marshall County in 1928, it intends to be on the forefront of emerging technologies serving aviation and aerospace activities; and

Whereas, The State of West Virginia recognizes the critical role that aviation and aerospace activities had played in our past and will play in our future; and

Whereas, Our state is committed to continue through both private and public means to expand commercial service, aerospace industries, and general aviation; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates January 20, 2022, as a day to recognize the importance and contributions of Aviation and Aerospace in the great State of West Virginia; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Aeronautics Commission and the West Virginia Airport Managers Association.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Resolution 9**, Designating January 19, 2022, as WV Tourism Day.

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

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Weld regarding the adoption of Senate Resolution 9 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the ninth order of business.

**Senate Bill 244**, Relating to appointment of judges to Intermediate Court of Appeals.

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

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

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

**ARTICLE 11. THE WEST VIRGINIA APPELLATE REORGANIZATION ACT.**

**§51-11-6. Election of judges; initial appointment and election; vacancies; length and conditions of judicial terms.**

(a) The three judges of the Intermediate Court of Appeals shall be elected on a nonpartisan basis to serve 10-year terms, subject to the exceptions for initial appointments and elections contained in subsection (b) and subsection (c) of this section.

(b) *Nomination and election to fill initial vacancies.* — The judges shall be nominated and appointed according to the following procedure:

(1) (A) On or before January 1, 2022, the Judicial Vacancy Advisory Commission, established pursuant to §3-10-3a of this code, shall publish notice of the judicial vacancies for the Intermediate Court of Appeals and begin accepting applications from qualified individuals for the position of judge of the Intermediate Court of Appeals. The commission is responsible for reviewing and evaluating candidates for possible appointment to the Intermediate Court of Appeals by the Governor. In reviewing candidates, the commission may accept applications from any attorney who believes he or she to be qualified for the judgeships. The commission may accept comments from and request information from any person or source.

(B) The commission shall recommend three qualified nominees for each position for Intermediate Court of Appeals judge: *Provided*, That each person on the list must meet the requirements of §51-11-3(d) of this code at the time such person will begin his or her term on the court.

(2) The Governor shall review the list certified by the Judicial Vacancy Advisory Commission and nominate three qualified candidates to serve as judge. The Governor shall make his or her nominations without regard to political partisanship or affiliation. If the Governor does not select a nominee for the position of judge from the names provided by the commission, he or she shall notify

the committee of that circumstance and the commission shall provide additional names for consideration by the Governor.

(3) The initial appointment term for each of the judges, at the discretion of the Governor, shall be as follows: one judge shall be selected to serve a two and one-half year term set to expire on December 31, 2024, one judge shall be selected to serve a four and one-half year term set to expire on December 31, 2026, and one judge shall be ~~elected~~ selected to serve a six and one-half year term set to expire on December 31, 2028.

(4) Upon confirmation by the West Virginia Senate, an individual appointed to serve as a judge of the Intermediate Court of Appeals pursuant to this subsection shall take an oath of office and commence his or her duties on or before July 1, 2022, but no earlier than May 1, 2022.

(c) After the initial appointment, the judges of the Intermediate Court of Appeals shall be elected on a nonpartisan basis by division during the primary election in every year during which a sitting judge's term will expire for a 10-year term of office, and the judge's term shall commence on January 1 of the year following, as set forth in §3-5-1 *et seq.* of this code.

(d) If a vacancy occurs in the office of Intermediate Court judge, the Governor shall fill the vacancy by appointment as provided in §3-10-3 and §3-10-3a of this code.

(e) The Legislature recognizes that the Chief Justice of the West Virginia Supreme Court of Appeals has authority to temporarily assign judges to the Intermediate Court of Appeals pursuant to section eight, article VIII of the Constitution of West Virginia, in the event that a judge is temporarily unable to serve on the court.

(f) The amendments to §51-11-6(b)(3) of this code enacted by the regular session of the Legislature, 2022, shall be applied retrospectively to December 27, 2021.

The bill (S. B. 244), as amended, was then ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

**Senate Bill 253**, Relating to voting precincts and redistricting.

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

The Senate proceeded to the thirteenth order of business.

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

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on January 18, 2022:

**Senate Bill 41:** Senator Grady;

**Senate Bill 134:** Senator Woodrum;

**Senate Bill 273:** Senator Hamilton;

And,

**Senate Bill 274:** Senator Hamilton.

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 January 18, 2022:

**Senate Bill 4:** Senators Karnes and Plymale;

**Senate Bill 5:** Senator Plymale;

**Senate Bill 17:** Senator Grady;

**Senate Bill 21:** Senator Karnes;

**Senate Bill 26:** Senator Martin;

**Senate Bill 36:** Senator Karnes;

**Senate Bill 52:** Senator Karnes;  
**Senate Bill 57:** Senator Karnes;  
**Senate Bill 67:** Senator Martin;  
**Senate Bill 70:** Senator Hamilton;  
**Senate Bill 75:** Senator Karnes;  
**Senate Bill 76:** Senator Woelfel;  
**Senate Bill 87:** Senator Martin;  
**Senate Bill 125:** Senator Karnes;  
**Senate Bill 126:** Senator Karnes;  
**Senate Bill 127:** Senator Karnes;  
**Senate Bill 131:** Senator Karnes;  
**Senate Bill 132:** Senator Karnes;  
**Senate Bill 157:** Senator Martin;  
**Senate Bill 159:** Senator Martin;  
**Senate Bill 182:** Senator Karnes;  
**Senate Bill 187:** Senator Karnes;  
**Senate Bill 189:** Senator Karnes;  
**Senate Bill 190:** Senator Karnes;  
**Senate Bill 192:** Senator Karnes;  
**Senate Bill 193:** Senator Karnes;  
**Senate Bill 203:** Senator Martin;  
**Senate Bill 213:** Senator Plymale;



**Senate Bill 214:** Senator Woodrum;

**Senate Bill 221:** Senator Plymale;

**Senate Bill 246:** Senators Woodrum and Martin;

**Senate Bill 247:** Senator Woelfel;

**Senate Bill 253:** Senator Phillips;

**Senate Bill 262:** Senators Karnes, Hamilton, and Woodrum;

**Senate Bill 270:** Senator Lindsay;

**Senate Bill 413:** Senators Baldwin, Phillips, Plymale, and Martin;

**Senate Bill 416:** Senator Roberts;

**Senate Bill 417:** Senators Woelfel and Lindsay;

**Senate Bill 419:** Senators Woelfel and Lindsay;

**Senate Bill 420:** Senators Roberts, Baldwin, Phillips, Jeffries, Woelfel, and Lindsay;

**Senate Bill 421:** Senators Baldwin, Woelfel, Plymale, and Nelson;

**Senate Bill 423:** Senators Baldwin and Martin;

**Senate Bill 424:** Senators Hamilton, Martin, and Lindsay;

**Senate Bill 425:** Senators Caputo, Jeffries, Stollings, Beach, and Woelfel;

**Senate Joint Resolution 3:** Senators Hamilton and Nelson;

**Senate Joint Resolution 4:** Senators Karnes, Hamilton, and Woelfel;

**Senate Joint Resolution 5:** Senator Martin;

**Senate Joint Resolution 6:** Senator Hamilton;

**Senate Joint Resolution 8:** Senator Nelson;

**Senate Resolution 4:** Senator Woodrum;

And,

**Senate Resolution 9:** Senators Roberts, Hamilton, Baldwin, Caputo, Jeffries, Stollings, Plymale, Nelson, and Lindsay.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:21 a.m., the Senate adjourned until tomorrow, Thursday, January 20, 2022, at 11 a.m.

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## THURSDAY, JANUARY 20, 2022

The Senate met at 11:01 a.m.

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

Prayer was offered by Jason Whitlock, Director of Youth with a Mission, Keyser, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert D. Beach, a senator from the thirteenth district.

Pending the reading of the Journal of Wednesday, January 19, 2022,

At the request of Senator Roberts, 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.

Senator Blair (Mr. President) announced that, under the provisions of Senate Resolution 10 (*Adopting special rule of order*

*relating to COVID-19 pandemic*) adopted January 18, 2022, the following senators had been approved to vote by proxy:

Senator Trump, and that Senator Takubo had been designated to vote on his behalf;

And,

Senator Plymale, and that Senator Baldwin had been designated to vote on his behalf.

The Senate proceeded to the third order of business.

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

**Eng. Com. Sub. for House Bill 4059**—A Bill to amend and reenact §29-6-4 of the Code of West Virginia, 1931, as amended, relating to clarifying that all new Department of Health and Human Resources' Deputy Commissioners are policy making positions exempt from civil service.

Referred to the Committee on Health and Human Resources.

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. House Bill 4060**—A Bill to repeal §16-5Z-1, §16-5Z-2, §16-5Z-3, §16-5Z-4, and §16-5Z-5 of the Code of West Virginia, 1931, as amended; to repeal §16-52-1, §16-52-2, §16-52-3, §16-52-4, and §16-52-5 of said code; and to repeal §16-55-1, §16-55-2, §16-55-3, §16-55-4, §16-55-5, §16-55-6, and §16-55-7 of said code, all relating to repealing outdated sections of code.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 4**, Repealing ban on construction of nuclear power plants.

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

Respectfully submitted,

Chandler Swope,  
*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 221**, Establishing occupational therapy compact.

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

**Com. Sub. for Senate Bill 221** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-28A-1, §30-28A-2, §30-28A-3, §30-28A-4, §30-28A-5, §30-28A-6, §30-28A-7, §30-28A-8, §30-28A-9, §30-28A-10, §30-28A-11, §30-28A-12, §30-28A-13, and §30-28A-14, all relating to establishing an occupational therapy compact; providing for the purpose in creating the compact; providing for definitions relating to the compact; establishing guidelines for state participation in the compact; creating a compact privilege; creating a means to obtain a state home license through the compact; defining active duty military personnel and their spouses for purposes of the compact; defining adverse actions; establishing the occupational therapy compact commission; creating a data system; providing for rulemaking; providing for oversight, dispute resolution, and enforcement; creating a date of implementation of

the interstate commission for occupational therapy practice and associated rules, withdrawal, and amendment; providing for the construction and severability of the compact; and establishing the binding effect of the compact and other laws.

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 438**—A Bill to amend and reenact §12-1-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §12-1B-1, §12-1B-2, §12-1B-3, §12-1B-4, §12-1B-5, §12-1B-6, §12-1B-7, §12-1B-8, §12-1B-9, §12-1B-10, §12-1B-11, §12-1B-12, §12-1B-13, and §12-1B-14; all relating generally to the West Virginia Security for Public Deposits Act; authorizing the State Treasurer to promulgate certain legislative rules related to securing public deposits; providing a short title; providing legislative findings; specifying the act's applicability; defining terms; establishing the West Virginia Security for Public Deposits Program and requiring the program to be operable by a certain date; establishing the Treasurer's Collateral Administration Fund and requirements for said fund; establishing powers and duties of the State Treasurer with regard to the program; requiring the State Treasurer to promulgate certain legislative rules related to the program; authorizing designated state depositories to secure public deposits pursuant to the act; clarifying that designated state depositories securing public deposits under the act are not required to secure deposits by other methods; establishing the duties of designated

state depositories securing deposits pursuant to the act; allowing designated state depositories to secure public deposits through a pooled method; subrogating the State Treasurer to certain claims of a depositor and requiring distribution of assets; mandating that deposit of public funds pursuant to the act be made in designated state depositories and authorizing said depositories to make public deposits; limiting liability of public depositors in certain circumstances; setting forth reporting requirements for designated state depositories; and clarifying that the act controls over inconsistent provisions of state or local law.

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

**By Senator Woodrum:**

**Senate Bill 439**—A Bill to amend and reenact §30-39-1, §30-39-2, §30-39-3, §30-39-4, §30-39-5, §30-39-6, §30-39-7, §30-39-9, §30-39-10, §30-39-11, §30-39-12, §30-39-13, §30-39-14, §30-39-15, §30-39-16, §30-39-19, and §30-39-21 of the Code of West Virginia, 1931, as amended, all relating to adopting the Revised Uniform Athlete Agents Act of 2015; modifying short title; defining terms; granting legislative rule-making authority to the Secretary of State; establishing seven-day limit on athlete agent to register; requiring additional information from applicant in registration process; eliminating language making applications or renewals for athlete agent registration public records; providing for reciprocal registration; updating required contents of reciprocal registration application; requiring Secretary of State issue reciprocal license if certain criteria satisfied; requiring Secretary of State cooperate with certain national organizations; allowing the Secretary of State to consider whether the athlete agent has pled guilty or no contest to a crime of moral turpitude in decision to issue registration; providing requirements for reciprocal renewals of registration; providing Secretary of State authority to suspend or revoke registration for same reasons as would justify refusal to issue certificate of registration; permitting applicant to appeal adverse decision of Secretary of State; authorizing Secretary of State promulgate procedural rules to implement appeal procedures; increasing fees for initial license and renewal; adding required

contract terms; requiring certain notices by athlete agent to educational institutions; requiring educational institution notify Secretary of State and others if it becomes aware of violation of article by athlete agent; allowing parent and guardian of student athlete ability to cancel contract; requiring athlete agent to create certain records; expanding scope of what constitutes prohibited conduct under the act; expanding scope of who might engage in prohibited conduct under the act; expanding scope of who can be charged with a criminal violation of the act; enabling student athletes to bring civil action for act or omission of athlete agent; expanding scope of damages that may be available in civil action; making a civil violation an unfair trade practice under West Virginia law; establishing relation to the Electronic Signatures in Global and National Commerce Act; and modifying effective date.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 440**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-20-1, §55-20-2, §55-20-3, §55-20-4, §55-20-5, §55-20-6, §55-20-7, §55-20-8, §55-20-9, §55-20-10, §55-20-11, §55-20-12, §55-20-13, §55-20-14, §55-20-15, §55-20-16, §55-20-17, §55-20-18, §55-20-19, §55-20-20, §55-20-21, §55-20-22, §55-20-23, §55-20-24, §55-20-25, §55-20-26, §55-20-27, and §55-20-28, all relating to establishing uniform requirements and authority for a receiver appointed by a court for management of commercial real estate during certain matters pending before the court; providing a short title; providing definitions; providing for notice and an opportunity for a hearing; providing for scope and exclusions; establishing the power of court; providing for the appointment of receiver; providing for the disqualification from appointment as receiver and disclosure of interest; providing for bond and alternative security; providing for the status of receiver as lien creditor; creating a security agreement covering after-acquired property; providing for the collection and turnover of receivership property; creating the powers and duties of receiver; creating the duties of owner; creating a stay of other actions and injunction; providing for engagement and compensation of professional; providing for the

use or transfer of receivership property not in ordinary course of business; creating an executory contract; providing defenses and immunities of receiver; providing for an interim report of receiver; creating notice of appointment, claim against receivership, and distribution to creditors; providing fees and expenses; creating the removal of receiver, replacement, and termination of receivership; creating the final report of receiver and discharge; creating receivership in another state and ancillary reporting; providing an effect of enforcement by mortgagee; creating uniformity of application and construction; and providing for transition.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 441**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-4-8a, relating to the confidentiality of video, incident reports, or other records of a correctional or juvenile facility; providing that the commissioner's agents, representatives, or other designees may view any video, incident report, or other record of a correctional or juvenile facility; permitting the disclosure of video, incident reports, or other record to law enforcement and the Fusion Center; permitting the disclosure of such items in a civil proceeding upon and appropriate order; permitting the viewing of facility video to any licensed state attorney investigating a potential claim against the division; preventing the disclosure to any licensed state attorney unless a protective order is entered; and extending the confidentiality provisions of this section to any person receiving copies of the video, incident report, or other record.

Referred to the Committee on the Judiciary.

**By Senators Nelson and Clements:**

**Senate Bill 442**—A Bill to amend and reenact §5-10-14 and §5-10-30 of the Code of West Virginia, 1931, as amended, all relating to service credit, retroactive provisions, and the refund of accumulated contributions for certain members of the West Virginia Public Employees Retirement System.



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

**By Senators Nelson and Clements:**

**Senate Bill 443**—A Bill to amend and reenact §8-22-18 of the Code of West Virginia, 1931, as amended, relating to including active police officers and firefighters as electors of trustees for certain pension funds.

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

**By Senators Nelson and Clements:**

**Senate Bill 444**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22-25b, relating to providing that the right to benefits are not subject to execution; prohibiting assignments; relating to deductions for group insurance; providing setoffs for fraud; providing an exception for certain domestic relations orders; and providing that assets are exempt from taxes.

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

**By Senators Nelson and Clements:**

**Senate Bill 445**—A Bill to amend and reenact §8-22-24 of the Code of West Virginia, 1931, as amended, relating to modifying police and firemen pension plans for trustees.

Referred to the Committee on Pensions.

**By Senators Nelson and Clements:**

**Senate Bill 446**—A Bill to amend and reenact §8-22-16 of the Code of West Virginia, 1931, as amended, relating to providing definitions of "base salary" and "overtime and other remuneration" for a policemen's pension fund and firemen's pension and relief fund.

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

**By Senator Caputo:**

**Senate Bill 447**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-13MM-6, and, §11-13MM-7, all relating generally to creating a personal income tax credit for nurses in West Virginia; providing for definitions; providing for a tax credit for nurses for personal income tax in a taxable year; providing for a tax credit limitation of \$5,000 for a single person; providing for a tax credit limitation of \$10,000 of persons filing tax returns jointly under certain conditions; providing that the tax credit for nurses must be used in the taxable year and cannot be carried forward; providing for documentation of eligibility for the tax credit; providing for required contents of the documentation evidencing eligibility for the tax credit; providing that the form must be sent to the Tax Commissioner to receive the tax credit; providing for rule-making authority; providing for reporting at certain time; and providing for an effective date.

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

**By Senator Trump:**

**Senate Bill 448**—A Bill to amend and reenact §15-14-6 and §15-14-9 of the Code of West Virginia, 1931, as amended, all relating to clarifying that the Statewide Interoperability Executive Committee is responsible to develop, update, and implement policies regarding the Statewide Interoperable Radio Network; allowing the Statewide Interoperability Executive Committee to revoke, suspend, or modify an entity's use of the Statewide Interoperable Radio Network or equipment connected thereto; directing the Statewide Interoperability Executive Committee to provide guidance and services to any radio previously connected to the Statewide Interoperable Radio Network; authorizing the Statewide Interoperability Executive Committee to develop a recycling program for two-way telecommunications equipment, exclusive of equipment handled by the Office of Technology, in an effort to cleanse, reuse, redistribute, or sell such equipment; and directing that moneys received from the sale of recycled equipment

be placed in the Statewide Interoperable Radio Network special revenue account.

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

**By Senator Trump:**

**Senate Bill 449**—A Bill to amend and reenact §62-12-13c of the Code of West Virginia, 1931, as amended, relating to clarifying that the Nonviolent Offense Parole Program is not available to offenders who are serving a sentence either consecutively or concurrently with an offense that is a crime of violence against a person or animal, as well as a felony controlled substance offense, a felony firearm offense, nor a felony where the victim was a minor child; and making the provisions of this section unavailable to those previously released under the terms of this section.

Referred to the Committee on the Judiciary.

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

**Senate Bill 450**—A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

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

**Senate Bill 451**—A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

**By Senator Woodrum:**

**Senate Bill 452**—A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto, a new article designated §55-20-1, §55-20-2, §55-20-3, §55-20-4, §55-20-5, §55-20-6, §55-20-7, §55-20-8, §55-20-9, and §55-20-10, all relating to permitting civil remedies for the unauthorized disclosure of intimate images; providing for a short title; creating definitions; providing for a civil action; providing exceptions to liability; providing for plaintiff's privacy; providing for remedies; creating a statute of limitations; providing for construction; providing for uniformity of application and construction; and creating an effective date.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 453**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-29-1, §47-29-2, §47-29-3, §47-29-4, §47-29-5, §47-29-6, §47-29-7, §47-29-8, §47-29-9, §47-29-10, §47-29-11, §47-29-12, §47-29-13, §47-29-14, §47-29-15, §47-29-16, §47-29-17, §47-29-18, §47-29-19, §47-29-20, and §47-29-21, all relating to establishing uniform requirements for restrictive employment agreements and providing for civil penalties for violation of the article; providing a short title; providing for definitions; creating the scope of the article; providing for notice requirements; defining low wage workers; defining the effect of termination of work; creating a reasonableness requirement; defining the terms of a noncompete agreement; detailing the confidentiality agreement; providing for a no-business agreement; creating a nonsolicitation agreement; defining a no-recruit agreement; defining a payment-for-competition agreement; defining a training-repayment agreement; providing for nonwaivability; providing for enforcement and remedy; providing for choice of law and venue; providing for uniformity of application and construction; providing a transitional provision; and creating an effective date.

Referred to the Committee on the Judiciary.

**By Senator Caputo:**

**Senate Bill 454**—A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended, relating to re-employment after retirement by public employees; and increasing the maximum compensation that may be earned by certain retired public employees who are re-employed on a part-time basis by the Legislature as a per diem employee.

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

**By Senator Takubo:**

**Senate Bill 455**—A Bill to repeal §17C-16-1, §17C-16-2, §17C-16-3, §17C-16-4, §17C-16-5, §17C-16-6, §17C-16-7, §17C-16-8, and §17C-16-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17A-3-16 of said code, all relating to increasing motor vehicle registration fees by \$5 for a 12-month registration and by \$10 for a 24-month registration; and repealing article requiring inspection of vehicles.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Beach:**

**Senate Bill 456**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §18-5-22e, relating to defining seizure action plans; requiring county boards of education to develop a policy relating to seizure action plans; imposing minimum requirements for these policies; requiring the parents or guardians to collaborate with school personnel to implement seizure action plans; and mandating the state board to promulgate rules.

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

**By Senator Baldwin:**

**Senate Bill 457**—A Bill to amend and reenact §11-15-3 and §11B-2-20 of the Code of West Virginia, 1931, as amended, all relating to optimizing economic efficiency and revenue efficiency

of the West Virginia tax structure; reducing the consumers sales and service tax; providing for tax liabilities that existed prior to elimination of consumers sales and service tax; requiring notification to taxpayers of changes to the consumers sales and service tax; requiring reporting to the Legislature; and requiring funds to be transferred from the Revenue Fund Shortfall Reserve Fund and the Revenue Fund Shortfall Reserve Fund – Part B upon certain conditions.

Referred to the Committee on Finance.

**By Senator Smith:**

**Senate Bill 458**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-2-10, relating generally to establishing and implementing a program to explore and capitalize on the potential for recovering valuable and strategically important rare earth elements and critical materials from acid mine drainage.

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

Senator Rucker offered the following resolution:

**Senate Resolution 12**—Designating January 22, 2022, as the Day of Tears in West Virginia.

Whereas, On January 22, 1973, the majority of the members of the Supreme Court ruled that abortion was a right secured by the Constitution; and

Whereas, Since that fateful day, over 62 million unborn children have perished; therefore, be it

*Resolved by the Senate:*

That the West Virginia Senate hereby designates January 22, 2022, as Day of Tears in West Virginia.

Which, under the rules, lies over one day.

### Petitions

Senator Sypolt presented a petition from Tracey Friend and 1,241 West Virginia residents, calling for a convention of the states.

Referred to the Committee on the Judiciary.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 1**, US Army PFC Billy Keith Ford Memorial Bridge.

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

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

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

**Senate Concurrent Resolution 3**, USMC CAPT Dempsey Stowers Memorial Bridge.

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

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

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

**Com. Sub. for Senate Concurrent Resolution 5**, US Marine Corps CPL James "Bud" Cox Memorial Bridge.

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

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

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

**Senate Concurrent Resolution 6,** Holden 22 Coal Miners Memorial Bridge.

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

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

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

**Senate Concurrent Resolution 13,** US Army PFC Joseph Stanley McKinney Memorial Bridge.

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

**Senate Concurrent Resolution 14,** US Army SSGT Elson M Kuhn Memorial Bridge.

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

**Senate Concurrent Resolution 15,** US Army PVT Shirley E Bailey Memorial Bridge.

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

**Senate Resolution 11,** Recognizing contributions of aviation and aerospace in WV.

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



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

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senator Romano regarding the adoption of Senate Resolution 11 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

**Eng. Senate Bill 244**, Relating to appointment of judges to Intermediate Court of Appeals.

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: Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Jeffries, Karnes, Lindsay, Maynard, Nelson, Phillips, Plymale (by proxy), Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump (by proxy), Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Hamilton and Martin—2.

Absent: Azinger and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 244) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Jeffries, Karnes, Lindsay, Maynard, Nelson, Phillips, Plymale (by proxy), Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump (by proxy), Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Hamilton and Martin—2.

Absent: Azinger and Maroney—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 244) takes effect from passage.

*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.

**Senate Bill 253**, Relating to voting precincts and redistricting.

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 44**, Requiring State Fire Commission propose rules for sprinkler protection for certain new buildings.

**Senate Bill 60**, Allowing BOE create and provide course in family and consumer sciences in secondary schools.

**Senate Bill 213**, Establishing licensed professional counseling compact.

**Senate Bill 214**, Updating telepsychology compact.

And,

**Com. Sub. for Senate Bill 229**, Requiring impact statement in certain instances of school closing or consolidation.

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 Lindsay.

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

At the request of Senator Romano, unanimous consent being granted, the Senate returned to the eleventh order of business and the introduction of guests.

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 January 19, 2022:

**Senate Bill 258:** Senator Woelfel.

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 January 19, 2022:

**Senate Bill 4:** Senator Roberts;

**Senate Bill 5:** Senator Roberts;

**Senate Bill 51:** Senator Stollings;

**Senate Bill 53:** Senator Stollings;

**Senate Bill 54:** Senator Stollings;

**Senate Bill 56:** Senator Stollings;

**Senate Bill 59:** Senator Stollings;

**Senate Bill 70:** Senator Stollings;

**Senate Bill 188:** Senator Woelfel;

**Senate Bill 195:** Senator Woelfel;

**Senate Bill 224:** Senator Caputo;

**Senate Bill 231:** Senator Plymale;

**Senate Bill 426:** Senator Stollings;

**Senate Bill 427:** Senators Lindsay, Phillips, and Baldwin;

**Senate Bill 428:** Senators Lindsay, Stollings, and Beach;

**Senate Bill 430:** Senator Stollings;

**Senate Bill 432:** Senators Martin, Stollings, and Grady;

**Senate Bill 435:** Senator Baldwin;

**Senate Bill 437:** Senators Lindsay, Stollings, and Clements;

**Senate Concurrent Resolution 6:** Senator Woelfel;

**Senate Concurrent Resolution 13:** Senators Martin and Stollings;

**Senate Concurrent Resolution 14:** Senators Lindsay and Stollings;

**Senate Concurrent Resolution 15:** Senators Lindsay and Stollings;

**Senate Resolution 4:** Senator Woelfel;

And,

**Senate Resolution 11:** Senators Caputo and Baldwin.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:24 a.m., the Senate adjourned until tomorrow, Friday, January 21, 2022, at 9 a.m.

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## FRIDAY, JANUARY 21, 2022

The Senate met at 9 a.m.

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

Prayer was offered by the Honorable Ryan W. Weld, a senator from the first district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Owens Brown, a senator from the first district.

Pending the reading of the Journal of Thursday, January 20, 2022,

At the request of Senator Grady, 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.

Senator Blair (Mr. President) announced that, under the provisions of Senate Resolution 10 (*Adopting special rule of order relating to COVID-19 pandemic*) adopted January 18, 2022, the following senators had been approved to vote by proxy:

Senator Trump, and that Senator Takubo had been designated to vote on his behalf;

And,

Senator Plymale, and that Senator Baldwin had been designated to vote on his behalf.

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

**Senate Bill 1**, Creating Mining Mutual Insurance Company.

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

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 51**, Relating to WV Film Industry Investment Act.

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

**Com. Sub. for Senate Bill 51** (originating in the Committee on Economic Development)—A Bill to amend and reenact §11-13X-3, §11-13X-4, §11-13X-5, §11-13X-6, §11-13X-8, §11-13X-11, §11-13X-12, and §11-13X-13 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Film Industry Investment Act; reinstating the film investment tax credit; providing the coordination and management by the West Virginia development office; defining "development office" and "multi-state distribution"; excluding short-term depreciation from credit; raising the minimum threshold of cumulative annual expenditures necessary to qualify for credit; establishing an annual limit in credits available; requiring the development office to develop a database of locations, music, and other resources to be made available to film production teams; providing development office discretion to determine if project negatively portrays West Virginia; requiring state agencies to solicit bids from West Virginia vendors for film or video projects if available; setting an effective date; and setting a five-year sunset provision.

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,

Chandler Swope,  
*Chair.*

The bill (Com. Sub. for S. B. 51), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

**Senate Bills 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 372, 373, 374, 376, 377, 378, 379, 380, 381, 382, 383, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, and 402,** Department of Agriculture rule relating to feeding of untreated garbage to swine.

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

**Com. Sub. for Senate Bill 334** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-9-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain miscellaneous agencies and boards to promulgate legislative rules; authorizing the rules, as filed, as modified, and as amended by the Legislative Rule-Making Review Committee, and as amended by the Legislature; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to feeding of untreated garbage to swine; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to commercial feed; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to enrichment

of flour and bread law regulations; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to fruits and vegetables; certification for potatoes for seedling purposes; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to Fresh Food Act; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to auctioneers; to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to hemp products; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to livestock care standards; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the Rural Rehabilitation Program; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to the Farm-to-Food Bank Tax Credit; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to farmers markets; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to seed certification; authorizing the State Auditor to promulgate a legislative rule relating to the procedure for local levying bodies to apply for permission to extend time to meet as levying body; authorizing the State Auditor to promulgate a legislative rule relating to accountability requirements for state funds and grants; authorizing the West Virginia Board of Chiropractic Examiners to promulgate a legislative rule relating to chiropractic telehealth practices; authorizing the Contractor Licensing Board to promulgate a legislative rule relating to the Contractor Licensing Act; authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to licensure; authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to licensed professional counselors fees; authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapist licensing; authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapist fees; authorizing the Dangerous Wild Animal Board to promulgate a legislative rule relating to dangerous wild animals; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to the West Virginia Board of Dentistry; authorizing the



West Virginia Board of Dentistry to promulgate a legislative rule relating to the formation and approval of professional limited liability companies; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to the formation and approval of dental corporation and dental practice ownership; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to continuing education requirements; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to the administration of anesthesia by dentists; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to the expanded duties of dental hygienists and dental assistants; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to teledentistry; authorizing the West Virginia Board of Funeral Service Examiners to promulgate a legislative rule relating to the fee schedule; authorizing the West Virginia Massage Therapy Licensure Board to promulgate a legislative rule relating to general provisions; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to licensing and disciplinary procedures for physicians, podiatric physicians, and surgeons; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to licensure, practice requirements disciplinary and complaint procedures, continuing education, and physician assistants; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to dispensing of prescription drugs by practitioners; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to continuing education for physicians and podiatric physicians; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia Controlled Substances Monitoring Program Database; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to the establishment and regulation of limited license to practice medicine and surgery at certain state veterans nursing home facilities; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to registration to practice during a declared State of Emergency; authorizing the West Virginia Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing

procedures for osteopathic physicians; authorizing the West Virginia Board of Osteopathic Medicine to promulgate a legislative rule relating to Osteopathic Physicians Assistants; authorizing the West Virginia Board of Osteopathic Medicine to promulgate a legislative rule relating to practitioner requirements for controlled substances licensure and Accessing the West Virginia Controlled Substances Monitoring Program Database; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy care; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to the Controlled Substance Monitoring Program; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacists; authorizing the Public Service Commission to promulgate a legislative rule relating to rules governing the occupancy of customer-provided conduit; authorizing the West Virginia Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure or certification; authorizing the West Virginia Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to the renewal of licensure and certification; authorizing the West Virginia Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for registration and renewal of appraisal management companies; authorizing the West Virginia Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses in advanced practice; authorizing the Secretary of State to promulgate a legislative rule relating to voter registration at the Division of Motor Vehicles; authorizing the Secretary of State to promulgate a legislative rule relating to voter registration list maintenance by the Secretary of State; authorizing the Secretary of State to promulgate a legislative rule relating to the combined Voter Registration and Driver Licensing Fund; authorizing the Secretary of State to promulgate a legislative rule relating to the use of digital signatures; authorizing the Secretary of State to promulgate a legislative rule relating to regulation of political party headquarters finances; authorizing the Secretary of State to promulgate a legislative rule relating to standards and guidelines

for electronic notarization, remote online notarization, and remote ink notarization; authorizing the Secretary of State to promulgate a legislative rule relating to real property electronic recording standards and regulations; authorizing the West Virginia Board of Social Work Examiners to promulgate a legislative rule relating to qualifications for the profession of social work; authorizing the West Virginia Board of Social Work Examiners to promulgate a legislative rule relating to continuing education for social workers and providers; authorizing the West Virginia Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to licensure of speech-pathology and audiology; authorizing the State Treasurer to promulgate a legislative rule relating to substitute checks- Exceptional Items Fund; authorizing the State Treasurer to promulgate a legislative rule relating to procedures for deposit of monies with the State Treasurer's Office by state agencies; authorizing the State Treasurer to promulgate a legislative rule relating to the selection of state depositories for disbursement accounts through competitive bidding; authorizing the State Treasurer to promulgate a legislative rule relating to the selection of state depositories for receipt accounts; authorizing the State Treasurer to promulgate a legislative rule relating to procedures for processing payments from the State Treasury; authorizing the State Treasurer to promulgate a legislative rule relating to reporting debt; authorizing the State Treasurer to promulgate a legislative rule relating to procedures for fees in collections by charge, credit, or debit card or by electronic payment; and authorizing the State Treasurer to promulgate a legislative rule relating to procedures for providing services to political subdivisions.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

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

Your Committee on Government Organization has had under consideration

**Senate Bill 417**, Relating to authorized expenditures of revenues from certain state funds for fire departments.

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

**Com. Sub. for Senate Bill 417** (originating in the Committee on Government Organization)—A Bill to amend and reenact §8-15-8b of the Code of West Virginia, 1931, as amended, relating to authorized expenditures of revenues from certain state funds for fire departments; clarifying and expanding categories of allowable expenditures; permitting state grant funds to be deposited into a state account and be transferred from the account for unrestricted use; and setting forth a 60-day time frame for fire departments receiving grant funds to transfer unrestricted funds from a restricted account.

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.*

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

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 427**, Permitting WV Board of Medicine investigators to carry concealed weapon.

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

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

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

Your Committee on Government Organization has had under consideration

**Senate Bill 436**, Correcting code citation for authority of State Fire Marshal.

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

Respectfully submitted,

Mark R. Maynard,  
*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 Weld:**

**Senate Bill 459**—A Bill to amend and reenact §61-8B-1 of the Code of West Virginia, 1931, as amended, relating to modifying the definition of "sexual contact"; and removing the element that the parties not being married to each other from the definition.

Referred to the Committee on the Judiciary.

**By Senators Sypolt and Smith:**

**Senate Bill 460**—A Bill to amend and reenact §22-5-2 and §22-5-4 of the Code of West Virginia, 1931, as amended, all

relating to air pollution control; and granting to the West Virginia Department of Environmental Protection Division of Air Quality the authority to invest the money held in the Air Pollution Control Fund (Fund #3336) and the Air Pollution Education and Environment Fund (Fund #3024) in order to receive interest on the funds held in those accounts, to offset decreasing permit fee collections, and to preserve funding for the West Virginia Department of Environmental Protection Division of Air Quality.

Referred to the Committee on Finance.

**By Senators Phillips and Smith:**

**Senate Bill 461**—A Bill to amend and reenact §22-1-15 of the Code of West Virginia, 1931, as amended, relating to removing the statutory limit of \$300,000 for the Environmental Laboratory Certification Fund.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

**By Senators Phillips and Smith:**

**Senate Bill 462**—A Bill to amend and reenact §22-11-10 of the Code of West Virginia, 1931, as amended, relating to coal mining; and changing fees for permitting actions.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

**By Senator Smith:**

**Senate Bill 463**—A Bill amend and reenact §48-1-239 and §48-1-241a of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-9-102, §48-9-203, and §48-9-205 of said code, all relating to Best Interests of the Child Protection Act of 2022; establishing the presumption that co-equal shared legal and physical custody of children in cases of divorce to be in the best interests of the children and families; requiring that temporary parenting plans and permanent parenting plans consider the presumption of co-equal shared legal and physical custody is in the best interests of a child; and relating generally to the public policy recognition and preservation of the fundamental constitutional

rights of all parents to raise their own children and that it is presumptively in the best interest of children to be raised by both of their parents equally.

Referred to the Committee on the Judiciary.

**By Senators Geffert, Baldwin, Beach, Brown, Caputo, Hamilton, Jeffries, Lindsay, Romano, Stollings, and Woelfel:**

**Senate Bill 464**—A Bill to amend and reenact §21-5-1 of the Code of West Virginia, 1931, as amended, relating to including independent contractors within the definition of employee; and including independent contractors as employees of employers.

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

Senators Nelson, Grady, Jeffries, Lindsay, and Takubo offered the following resolution:

**Senate Concurrent Resolution 16**—Requesting the Division of Highways name bridge number 11492, marker 19.01, locally known as Twin Bridges on U.S. Rt. 35 near Buffalo, Putnam County, the "William Gregory 'Greg' White, P.E., Memorial Bridge".

Whereas, William Gregory "Greg" White, P.E., was born February 21, 1959, in Charleston, West Virginia, the son of Maralu White Craven and William Clifford White. He graduated in 1977 from Parkersburg South High School and continued his education at West Virginia Tech, where he received a bachelor's degree in civil engineering; and

Whereas, William Gregory "Greg" White, P.E., loved his work as a licensed professional civil engineer and owned his own business, White Brothers Consulting, a partnership he shared with his brother Tim; and

Whereas, Some of the projects William Gregory "Greg" White, P.E., was involved in as a structural engineer for the design and detail of various bridges include, but are not limited to: The Wolfe Valley Girder Bridge in Mason County; the East Fork Beam Span

Bridge in Mingo County; the Buzzard Creek Bridge in Putnam County; the Capehart Bridge in Mason County; the Central Station Bridge in Doddridge County; the Monongahela River Bridge and Approaches in Marion County; the I-40 Widening Project in North Little Rock, Arkansas; the Sam Houston Tollway Widening in Houston, Texas; the Witcher Creek Bridge in Kanawha County; the Virginia Hybrid Energy Center in Virginia City, Virginia; two of the West Virginia Turnpike bridges over U.S. Rt. 60 in Kanawha County; the Upper Sleith Fork Bridge in Braxton County; the South Branch Potomac Bridge in Hardy County; and the Gypsy Bridge in Harrison County; and

Whereas, William Gregory "Greg" White, P.E., was an avid supporter of local youth soccer leagues and the Ripley High School marching band. He was also an ordained deacon at Witcher Baptist Church in Belle, West Virginia, and a member of the West Ripley Baptist Church; and

Whereas, Sadly, William Gregory "Greg" White, P.E., passed away on Sunday, December 16, 2018; and

Whereas, The bridge being named in honor of William Gregory "Greg" White, P.E., was the last one that he designed and stamped with his license before he passed away; and

Whereas, It is fitting that an enduring memorial be established to commemorate William Gregory "Greg" White, P.E., and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 11492, marker 19.01, locally known as Twin Bridges on U.S. Rt. 35 near Buffalo, Putnam County, the "William Gregory 'Greg' White, P.E., 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 "William Gregory "Greg" White, P.E, 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.

Senators Trump, Blair (Mr. President), Rucker, and Geffert offered the following resolution:

**Senate Concurrent Resolution 17**—Requesting the Division of Highways name bridge number 02-032/00-001.22 (02A152), (39.40678, -78.02421) locally known as Tablers Station Overpass, carrying CR 32 over I 81 in Berkeley County, the "U.S. Air Force SSGT Logan A. Young Memorial Bridge".

Whereas, SSGT Logan A. Young was born in 1990, in Winchester, Virginia, the son of Steven B. Young and Beth A. Young. He grew up in Winchester, Virginia, where he graduated from Millbrook High School in 2008. He enlisted in the United States Air Force in 2011; and

Whereas, While serving on active duty in security forces SSGT Logan A. Young was stationed at Kadena Air Base, Japan; RAF Alconbury, England; and Andrews Air Force Base, Maryland. SSGT Logan A. Young was deployed to the Middle East in 2012 and again in 2014. He joined the 167th Civil Engineering Squadron as a firefighter in 2018 and was a decorated Staff Sergeant with the 167th Airlift Wing of the West Virginia Air National Guard; and

Whereas, SSGT Logan A. Young, a nine-year veteran of the United States Air Force lost his life in the line of duty while fighting an arson fire in the early morning hours of December 27, 2020, near Martinsburg, West Virginia; and

Whereas, SSGT Logan A. Young's military awards include the Air Force Outstanding Unit Award, Air Force Good Conduct Medal with one Oak Leaf Cluster, Air Reserve Forces Meritorious Service Medal, National Defense Service Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Air Force Overseas Ribbon Long with 1 Oak Leaf Cluster, Air Force Expeditionary Service Ribbon with Gold Border, Air

Force Expeditionary Service Ribbon, Air Force Longevity Service, USAF NCO PME Graduate Ribbon, Small Arms Expert Marksmanship Ribbon (Rifle), and the Air Force Training Ribbon; and

Whereas, SSGT Logan A. Young exemplified being a devoted and selfless patriot who loved his country, community, family, and fellow man. He was honest, patient, passionate, and dedicated. He enjoyed playing soccer, basketball, fishing, riding ATVs, his motorcycle, and was an avid Pittsburgh Steelers fan. SSGT Logan A. Young also had a great love for sneakers—he owned enough Nikes to wear a different pair every day of the year; and

Whereas, SSGT Logan A. Young is survived by his daughter Leira Ann Young, who was born six months after his death; his fiancée, London Brown and her daughter Jesslyn Wolf; his brother and sister-in-law, Nathan Young and Daffne; his sister and brother-in-law, Danielle Brosan and husband Mike; and many aunts, uncles, cousins, and friends; and

Whereas, SSGT Logan A. Young was a hero to many, loved by all, and missed by those who knew him. SSGT Logan A. Young is forever in the hearts of his family and friends, as well as his military and fire department. As someone once said, "A hero is someone who has given his life to something bigger than oneself"—SSGT Logan A. Young was a hero; and

Whereas, It is fitting that an enduring memorial be established to commemorate SSGT Logan A. Young and his sacrifice to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 02-032/00-001.22 (02A152), (39.40678, -78.02421) locally known as Tablers Station Overpass, carrying CR 32 over I 81 in Berkeley County, the "U.S. Air Force SSGT Logan A. Young 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 "U.S. Air Force SSGT Logan A. Young 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; a copy to the County Counsel of Berkeley County; two copies—one to his father Steven B. Young and a copy to his mother Beth A. Young; and to his daughter Leira Ann Young; his fiancée, London Brown; his brother and sister-in-law, Nathan Young and Daffne; and to his sister and brother-in-law, Danielle Brosan and husband Mike.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Resolution 12**, Designating January 22, 2022, as Day of Tears in WV.

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

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

The Senate proceeded to the eighth order of business.

**Eng. Senate Bill 253**, Relating to voting precincts and redistricting.

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: Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale (by proxy), Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump (by proxy), Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Maroney, and Romano—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 253) passed.

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

**Eng. Senate Bill 253**—A Bill to amend and reenact §3-1-5 of the Code of West Virginia, 1931, as amended, relating generally to voting precincts and redistricting; requiring county commissions to submit precinct boundary modifications to the Secretary of State; designating the Secretary of State as state liaison to the U.S. Census Bureau during certain phases of the Redistricting Data Program; authorizing the Secretary of State to delegate technical responsibilities to staff; requiring county commissions to submit certain information relating to precinct updates to the Secretary of State on ongoing basis; requiring the Secretary of State to coordinate with counties; requiring the Secretary of State to compile and submit certain information to the U.S. Census Bureau in compliance with certain deadlines and provide copies to Legislative leadership; requiring the Legislature to provide certain maps and files to the Secretary of State at conclusion of federal congressional or state legislative redistricting; requiring Secretary of State to provide updated maps and files to the U.S. Census Bureau; requiring Secretary of State to make certain maps and files publicly available in physical office and on website; requiring Secretary of State to maintain certain maps and files in records; requiring county commissions to include magisterial districts in publicly available maps; and requiring county commissions to submit certain maps and files to Secretary of State.

*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 44**, Requiring State Fire Commission propose rules for sprinkler protection for certain new buildings.

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

**Senate Bill 60**, Allowing BOE create and provide course in family and consumer sciences in secondary schools.

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

**Senate Bill 213**, Establishing licensed professional counseling compact.

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.

**Senate Bill 214**, Updating telepsychology compact.

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.

**Com. Sub. for Senate Bill 229**, Requiring impact statement in certain instances of school closing or consolidation.

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

The Senate proceeded to the tenth order of business.

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

**Senate Bill 4**, Repealing ban on construction of nuclear power plants.

And,

**Com. Sub. for Senate Bill 221**, Establishing occupational therapy compact.

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 January 20, 2022:

**Senate Bill 1**: Senators Plymale and Takubo;

**Senate Bill 5**: Senator Takubo;

**Senate Bill 6**: Senator Takubo;

**Senate Bill 11**: Senator Takubo;

**Senate Bill 17**: Senator Takubo;

**Senate Bill 24**: Senator Rucker;

**Senate Bill 36**: Senator Smith;

**Senate Bill 46**: Senator Takubo;

**Senate Bill 51**: Senator Takubo;

**Senate Bill 52**: Senator Smith;

**Senate Bill 53**: Senator Smith;

**Senate Bill 65**: Senator Takubo;

**Senate Bill 70**: Senator Takubo;

- Senate Bill 83:** Senator Takubo;
- Senate Bill 92:** Senator Takubo;
- Senate Bill 106:** Senator Caputo;
- Senate Bill 131:** Senator Takubo;
- Senate Bill 133:** Senator Takubo;
- Senate Bill 146:** Senator Rucker;
- Senate Bill 417:** Senator Caputo;
- Senate Bill 421:** Senator Jeffries;
- Senate Bill 424:** Senator Jeffries;
- Senate Bill 438:** Senator Trump;
- Senate Bill 439:** Senator Trump;
- Senate Bill 440:** Senator Trump;
- Senate Bill 442:** Senators Trump and Plymale;
- Senate Bill 443:** Senators Trump and Plymale;
- Senate Bill 444:** Senators Trump and Plymale;
- Senate Bill 445:** Senators Trump and Plymale;
- Senate Bill 446:** Senators Trump and Plymale;
- Senate Bill 447:** Senators Lindsay, Stollings, and Baldwin;
- Senate Bill 449:** Senator Woelfel;
- Senate Bill 452:** Senators Trump and Woelfel;
- Senate Bill 453:** Senator Trump;
- Senate Bill 454:** Senators Lindsay and Stollings;

**Senate Bill 456:** Senator Caputo;

**Senate Bill 457:** Senators Caputo, Lindsay, Stollings, and Woelfel;

**Senate Concurrent Resolution 14:** Senator Jeffries;

**Senate Concurrent Resolution 15:** Senator Jeffries;

And,

**Senate Resolution 12:** Senators Baldwin and Smith.

Pending announcement of a meeting of a standing committee of the Senate,

Senator Takubo then moved that the Senate adjourn until Monday, January 24, 2022, at 11 a.m.

The question being on the adoption of Senator Takubo's aforestated motion, and on this question, Senator Takubo demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: None.

Absent: Azinger, Maroney, Plymale, and Trump—4.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Takubo's motion had prevailed.

In accordance with the foregoing motion, at 9:19 a.m., the Senate adjourned until Monday, January 24, 2022, at 11 a.m.

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## MONDAY, JANUARY 24, 2022

The Senate met at 11:01 a.m.

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

Prayer was offered by Seth Polk, Lead Pastor, Cross Lanes Baptist Church, Cross Lanes, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Glenn D. Jeffries, a senator from the eighth district.

Pending the reading of the Journal of Friday, January 21, 2022,

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

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

The Clerk presented the following communications from various state agencies as required by the provisions of law:

Administration, Department of (State Building Commission Fund) (§5-6-1)

Health and Human Resources, Department of (James "Tiger" Morton Catastrophic Illness Commission) (§16-5Q-2)

Motor Vehicles, Division of (Motorcycle Safety Awareness Board) (§17B-1D-8)

The Senate proceeded to the third order of business.

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

**Eng. Senate Bill 8**, Relating generally to state's savings and investment programs.

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

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

On page 1, by striking everything after the enacting clause and substituting in lieu thereof the following:

## **CHAPTER 12. PUBLIC MONEYS AND SECURITIES.**

### **ARTICLE 9. SAVINGS AND INVESTMENT PROGRAM FULFILLMENT FUND.**

#### **§12-9-1. Special revenue account continued.**

There is continued in the State Treasury the special revenue account, designated the West Virginia Savings and Investment Program Fulfillment Fund, previously authorized by §18-30-6a of this code. The fund shall be administered by the State Treasurer for the purposes described in this article.

#### **§12-9-2. Receipts and expenditures.**

(a) The West Virginia Savings and Investment Program Fulfillment Fund shall consist of all moneys in the fund on the effective date of this section, any moneys that may be appropriated to the fund by the Legislature, all interest or other return earned or received from investment of the fund; any moneys which the fund is authorized to receive under any provision of this code for the purposes of this article, and all gifts, grants, bequests, or transfers made to the fund from any source.

(b) The State Treasurer may expend moneys in the West Virginia Savings and Investment Program Fulfillment Fund for costs to implement or administer any savings or investment program with an initial date of operation occurring on or after July 1, 2021, including, but not limited to, the Hope Scholarship

Program, established in §18-31-1 *et seq.* of this code, and Jumpstart Savings Program, established in §18-30A-1 *et seq.* of this code. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund to be expended as authorized by this article.

### **§12-9-3. Investment of fund.**

The State Treasurer is authorized to invest and reinvest moneys in the fund, and all interest and earnings of the fund shall accrue to the fund and be available for expenditure in accordance with this article.

## **CHAPTER 18. EDUCATION.**

### **ARTICLE 30. WEST VIRGINIA COLLEGE ~~PREPAID TUITION AND SAVINGS PROGRAM ACT.~~**

#### **§18-30-1. Title.**

This article is known and cited as the "West Virginia College ~~Prepaid Tuition and Savings Program Act~~".

#### **§18-30-2. Legislative findings and purpose.**

The Legislature finds and determines that enhancing the accessibility and affordability of education for all citizens of West Virginia will promote a well-educated and financially secure population to the ultimate benefit of all citizens of West Virginia, and that assisting individuals and families in planning for future educational expenses by making the tax incentives in 26 U.S.C. § 529 available to West Virginians is one of the proper governmental functions and purposes of the state.

~~The Legislature also finds that continuation of the prepaid tuition plan and creation of a savings plan will further those governmental functions and purposes. It is, therefore, the legislative intent of this article to continue the prepaid tuition plan and to enhance the plan by authorizing the creation of a savings~~

~~plan so that more students may attend eligible educational institutions~~

### **§18-30-3. Definitions.**

For the purposes of this article, the following terms have the meanings ascribed to them, unless the context clearly indicates otherwise or as otherwise provided in 26 U.S.C. §529:

"Account" means ~~a prepaid tuition account~~ or a savings plan account established in accordance with this article.

"Account owner" means the individual, corporation, association, partnership, trust, or other legal entity ~~who enters into a prepaid tuition contract and is obligated to make payments in accordance with the prepaid tuition contract~~ or who enters into a savings plan contract and invests money in a savings plan account.

"Beneficiary" means the individual designated as a beneficiary at the time an account is established, the individual designated as the beneficiary when beneficiaries are changed, the individual entitled to receive distributions from an account, and any individual designated by the account owner, his or her agent, or his or her estate in the event the beneficiary is unable or unwilling to receive distributions under the terms of the contract.

"Board" means the Board of Trustees of the West Virginia College Prepaid Tuition and Jumpstart Savings Program Programs as provided in §18-30-4 of this code.

"Distribution" means any disbursement from an account in accordance with 26 U.S.C. §529.

"Eligible educational institution" means an institution of higher education or a private or religious primary, middle, or secondary school that qualifies under 26 U.S.C. §529 as an eligible educational institution.

"Jumpstart Savings Expense Fund", for the purposes of this article, means the College and Jumpstart Savings Administrative Account, established in §18-30-8 of this Code.

"Outstanding obligations of the Prepaid Tuition Plan" means the outstanding contract obligations of the board to persons owning Prepaid Tuition Plan accounts. The term also includes any fees, charges, expenses, penalties, or any other obligation or liability of the Prepaid Tuition Trust Fund or plan.

~~"Prepaid tuition account" means an account established by an account owner pursuant to this article, in order for the beneficiary to apply distributions in accordance with the Prepaid Tuition Plan.~~

~~"Prepaid tuition contract" means a contract entered into by the board and an account owner establishing a prepaid tuition account.~~

~~"Prepaid Tuition Plan" means the plan that contractually guarantees payment of tuition at an eligible educational institution~~

"Prepaid Tuition Program" means the Prepaid Higher Education Program and Plan, which was previously established and authorized by this article as reflected in Chapter 80, Acts of the Legislature, Regular Session, 1997, and which was closed in 2021.

"Program" means the West Virginia College ~~Prepaid Tuition and~~ Savings Program established pursuant to this article and as defined in §18-30-4(a) of this code.

"Qualified education expenses" means expenses treated as "qualified higher education expenses" under 26 U.S.C. §529.

"Savings plan" means the plan that allows account distributions for qualified higher educational expenses and tuition at private or religious primary, middle, and secondary schools.

"Savings plan account" means an account established by an account owner pursuant to this article, in order for the beneficiary to apply distributions toward qualified higher education expenses and tuition expenses at eligible educational institutions.

"Savings plan contract" means a contract entered into by the board or its agent, if any, and an account owner establishing a savings plan account.

"Treasurer" means the West Virginia State Treasurer.

"Tuition" means the quarter, semester, or term charges imposed by an eligible educational institution and all mandatory fees required as a condition of enrollment by all students for full-time attendance.

**§18-30-3a. 2022 Legislative findings; statutory construction.**

(a) The Legislature makes the following findings regarding the amendments to this article adopted during the 2022 Regular Session of the Legislature:

(1) Whereas the Prepaid Tuition Program and Plan, administered by the board from 1998 until 2021, was statutorily closed to new accounts in 2001;

(2) Whereas the board initiated a statutorily authorized buyout of all remaining accounts in 2021 and terminated the Prepaid Tuition Program, Plan, and Trust Fund;

(3) Whereas the Jumpstart Savings Act, adopted during the 2021 Regular Session of the Legislature, created a new savings and investment program to become operational on July 1, 2022;

(4) Whereas the Jumpstart Savings Program is structurally similar to the College Savings Program, both programs share the objective of assisting West Virginians to obtain the education and skills that they need for productive and successful livelihoods, and the Jumpstart Savings Act allows state tax rollovers from a SMART529 account into a Jumpstart Savings Account;

(5) Whereas authorizing a single board to administer both the College Savings Program and Jumpstart Savings Program, rather than requiring each program to have a separate board, will significantly reduce management and administrative costs to the state;

(6) Therefore, the Board of Trustees of the College Prepaid Tuition and Savings Program should be continued and re-designated as "the Board of Trustees of the West Virginia

College and Jumpstart Savings Programs" and said board should be tasked with administering the College Savings Program, established by this article, and the Jumpstart Savings Program, established by §18-30A-1 et seq. of this code.

(b) The Legislature further finds that, whenever possible, this article should be read in pari materia and construed in harmony with the Jumpstart Savings Act, located in §18-30A-1 et seq. of this code.

(c) The Legislature further finds that interests in the College Savings Program Trust are intended:

(1) To qualify for relevant federal securities law exemptions for public instrumentalities of a State; and

(2) To be exempt from registration under Chapter 32 of the West Virginia Code, the "Uniform Securities Act".

**§18-30-4. The Board of Trustees of the West Virginia College and Jumpstart Savings Programs; ~~Creation of program; board; members; terms; compensation; proceedings generally.~~**

(a) The West Virginia College ~~Prepaid Tuition and Savings Program~~ is continued. The program consists of ~~a savings plan and the outstanding obligations of the Prepaid Tuition Plan.~~ the savings plan administered according to this article and the requirements of 26 U.S.C. §529.

(b) The Board of ~~Trustees of the College Prepaid Tuition and Savings Program~~ is continued as a public instrumentality of the State of West Virginia: Provided, That the Board shall hereafter be known as the Board of Trustees of the West Virginia College and Jumpstart Savings Programs. ~~and all powers, rights, and responsibilities of the Board of Trustees of the Prepaid Tuition Trust Fund are vested in the Board of the College Prepaid Tuition and Savings Program~~

(c) The board consists of ~~nine~~ 11 members and includes the following:

- (1) The State Treasurer, or his or her designee;
- (2) The State Superintendent of Schools, or his or her designee;
- (3) A representative of the Higher Education Policy Commission, who may or may not be a member of the Higher Education Policy Commission, appointed by the commission who serves as a voting member of the board;
- (4) A representative of the Council for Community and Technical College Education, who may or may not be a member of the Council for Community and Technical College Education, appointed by the council who serves as a voting member of the board; and
- (5) ~~Five~~ Seven other members, appointed by the Governor, with the advice and consent of the Senate, as follows:

(A) Three private citizens with knowledge, skill, and experience in a financial field, who are not employed by, or an officer of, the state or any political subdivision of the state: *Provided*, That reasonable efforts shall be made to appoint one such citizen to the board who holds a designation of Chartered Financial Analyst, offered by the CFA Institute; ~~and~~

(B) Two private citizens, appointed by the Governor, with knowledge, skill, and experience in trade occupations or businesses, to be appointed as follows:

(i) A member representing a labor organization that represents tradespersons in this state; and

(ii) A member representing a business or entity offering trade or skilled labor apprenticeships in this state; and

~~(B)~~ (C) Two members representing the interests of private institutions of higher education located in this state appointed from one or more nominees of the West Virginia Independent Colleges and Universities.



(d) Only state residents are eligible for appointment to the board.

(e) Members appointed by the Governor serve a term of five years and are eligible for reappointment at the expiration of their terms. If there is a vacancy among appointed members, the Governor shall appoint a person representing the same interests to fill the unexpired term.

(f) Members of the board serve until the later of the expiration of the term for which the member was appointed or the appointment of a successor. Members of the board serve without compensation. The Treasurer may pay all expenses, including travel expenses, actually incurred by board members in the conduct of their official duties. Expense payments are made from the College ~~Prepaid Tuition~~ and Jumpstart Savings Program Administrative Account and are made at the same rate paid to state employees.

(g) The Treasurer may provide support staff and office space for the board.

(h) The Treasurer is the chairperson and presiding officer of the board and may appoint the employees the board considers advisable or necessary. A majority of the members of the board constitutes a quorum for the transaction of the business of the board.

**§18-30-5. Powers of the board to administer the College Savings Program.**

~~In addition to the powers granted by any other provision of this article, the board has the powers necessary or appropriate to carry out the provisions and objectives of this article, other methods of financing post secondary education as relate to the program, and the powers delegated by any other law of the state or any executive order of the state. The board may also:~~

~~(a) Adopt and amend bylaws;~~

~~(b) Sue and be sued;~~

~~(c) Execute contracts and other instruments for necessary goods and services, employ necessary personnel and engage the services of private consultants, actuaries, Auditors, counsel, managers, trustees, and any other contractor or professional needed. Selection of these services is not subject to the provisions of article three, chapter five a of this code;~~

~~(d) Operate a prepaid tuition plan in accordance with this article and 26 U.S.C. §529;~~

~~(e) Operate a savings plan in accordance with this article and 26 U.S.C. §529;~~

~~(f) Develop and impose any requirements, policies, procedures, and guidelines to implement and manage the program;~~

~~(g) Impose reasonable requirements for residency for beneficiaries at the time of purchase of a prepaid tuition contract. However, nothing in this subdivision establishes residency requirements for matriculation at state eligible educational institutions;~~

~~(h) Assess, collect and expend administrative fees, charges, and penalties;~~

~~(i) Authorize the assessment, collection, and retention of fees and charges against the amounts paid into and the earnings on the trust funds by a financial institution, investment manager, fund manager, West Virginia Investment Management Board, or other professional managing or investing the trust funds and accounts;~~

~~(j) Invest and reinvest any of the funds and accounts under the board's control with a financial institution, an investment manager, a fund manager, the West Virginia Investment Management Board or other professional investing the funds and accounts. Investments made under this article shall be made in accordance with the provisions of article six c, chapter forty four of this code, the West Virginia uniform prudent investor act. No board member, nor any person, financial institution, investment manager, fund manager or the West Virginia Investment Management Board to whom the board delegates any of its investment authority who acts within the~~

~~standard of care set forth in this section is personally liable for losses suffered by the program on investments made pursuant to this article;~~

~~(k) Solicit and accept gifts, including bequests or other testamentary gifts made by will, trust or other disposition, grants, loans, aid, and property, real or personal of any nature and from any source, or to participate in any other way in any federal, state or local governmental programs in carrying out the purposes of this article. The board shall use the property received to effectuate the desires of the donor, and shall convert the property received into cash within ninety days of receipt;~~

~~(l) Propose legislative rules for promulgation in accordance with the provisions of article three a, chapter twenty nine a of this code;~~

~~(m) Make all necessary and appropriate arrangements with eligible educational institutions in order to fulfill its obligations under the prepaid tuition contracts and the savings plan contracts; and~~

~~(n) Establish a direct support organization which is a West Virginia corporation, not for profit, organized and operated to receive, hold, invest and administer property and make expenditures to or for the benefit of the purposes of this article, if the board determines a need for the organization exists. The board may authorize the direct support organization to use program facilities and property, except money. The board may invest funds of the direct support organization.~~

(a) The board shall administer the College Savings Program in accordance with this article and 26 U.S.C. §529.

(b) The board shall offer and issue interests in the Savings Plan Trust to eligible members of the public.

(c) The board is authorized to take any lawful action necessary to effectuate the provisions of this article and successfully administer the program, subject to applicable state and federal law, including, but not limited to, the following:

(1) Adopt and amend bylaws;

(2) Execute contracts and other instruments for necessary goods and services, employ necessary personnel, and engage the services of private consultants, auditors, counsel, managers, trustees, and any other contractor or professional needed for rendering professional and technical assistance and advice: *Provided*, That selection of these services is not subject to the provisions of §5A-3-1 *et seq.* of this code: *Provided, however*, That all expenditures and monetary and financial transactions may be subject to periodic audits by the Legislative Auditor;

(3) Implement the program through use of financial organizations as account depositories and managers, as provided in §18-30-6 of this code;

(4) Develop and impose requirements, policies, procedures, and guidelines to implement and manage the program;

(5) Establish the method by which funds shall be allocated to pay for administrative costs and assess, collect, and expend administrative fees, charges, and penalties;

(6) Authorize the assessment, collection, and retention of fees and charges against the amounts paid into and the earnings on the trust funds by a financial institution, investment manager, fund manager, West Virginia Investment Management Board, the Board of Treasury Investments, or other professional managing or investing the trust funds and accounts;

(7) Invest and reinvest any of the funds and accounts under the board's control with a financial institution, an investment manager, a fund manager, the West Virginia Investment Management Board, the Board of Treasury Investments, or other professional investing the funds and accounts: *Provided*, That investments made under this article shall be made in accordance with the provisions of §44-6C-1 *et seq.* of this code;

(8) Solicit and accept gifts, including bequests or other testamentary gifts made by will, trust, or other disposition; grants; loans; aid; and property, real or personal of any nature and from

any source, or to participate in any other way in any federal, state, or local governmental programs in carrying out the purposes of this article: *Provided*, That the board shall use the property received to effectuate the desires of the donor, and shall convert the property received into cash within 90 days of receipt;

(9) Make all necessary and appropriate arrangements with eligible educational institutions in order to fulfill its obligations under the savings plan contracts; and

(10) Propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code, including emergency rules when necessary.

(d) The power and duties of the board provided in this article are in addition to the powers and duties of the board provided in §18-30A-1 *et seq.* of this code.

**§18-30-6. West Virginia prepaid tuition trust escrow fund. Use of financial organizations as program depositories and managers.**

~~(a) The Prepaid Tuition Trust Fund is continued within the accounts held by the State Treasurer for administration by the board until such time as the moneys in the fund are depleted and the board elects to close the fund.~~

~~(b) Upon the closure of the Prepaid Tuition Trust Fund, the board is authorized to expend moneys from the Prepaid Tuition Trust Escrow Fund for the purpose of satisfying outstanding obligations of the Prepaid Tuition Trust Plan, according to the requirements of subsection (h) of this section.~~

~~(c) The corpus, assets, and earnings of the Prepaid Tuition Trust Fund and the Prepaid Tuition Trust Escrow Fund do not constitute public funds of the state and are available solely for carrying out the purposes of this article. Any contract entered into by or any obligation of the board on behalf of and for the benefit of the Prepaid Tuition Plan does not constitute a debt of the state but is solely an obligation of the Prepaid Tuition Trust Fund. The state has no obligation to any designated beneficiary or any other~~

~~person as a result of the Prepaid Tuition Plan. All amounts payable from the Prepaid Tuition Trust Fund are limited to amounts available in the Prepaid Tuition Trust Fund.~~

~~(d) Nothing in this article or in any prepaid tuition contract is a promise or guarantee of admission to, continued enrollment in, or graduation from an eligible educational institution.~~

~~(e) Effective March 8, 2003, the Prepaid Tuition Plan is closed to new contracts. Closing the plan to new contracts does not affect any Prepaid Tuition Plan contracts in effect on March 8, 2003. All contract owners shall continue to pay any amounts due, including without limitation monthly installments, penalties, and fees. Earnings derived from the investment of moneys in the Prepaid Tuition Trust Fund shall continue to accrue to the fund until the fund is closed in accordance with this section. Upon a determination of the board that all outstanding contract obligations to persons owning Prepaid Tuition Plan accounts have been satisfied as provided in subsection (h) of this section, the plan shall be closed.~~

~~(f) The board shall continue to have the actuarial soundness of the Prepaid Tuition Trust Fund evaluated annually until the fund's closure.~~

~~(g) On or before December 1, 2003, and each year until the Prepaid Tuition Trust Fund's closure, the chairperson of the board shall submit to the Governor, the President of the Senate, the Speaker of the House of Delegates, the Joint Committee on Government and Finance, and the unclaimed property administrator a report certified by an actuary of the actuarial status of the Prepaid Tuition Trust Fund at the end of the fiscal year immediately preceding the date of the report.~~

~~(h) *Escrow fund; expenditures.* —~~

~~(1) The Prepaid Tuition Trust Escrow Fund is continued in the State Treasury to guarantee payment of outstanding obligations of the Prepaid Tuition Plan. The board shall invest the Prepaid Tuition Trust Escrow Fund in accordance with the provisions of this article~~

~~in fixed income securities, and all earnings of the escrow fund shall accrue to the escrow fund and be available for expenditure in accordance with this section.~~

~~(2) In the event the money in the Prepaid Tuition Trust Fund is insufficient to cover the amount of money needed to meet the outstanding obligations of the Prepaid Tuition Trust Plan, the board may withdraw from the Prepaid Tuition Trust Escrow Fund the amount of money needed to meet outstanding obligations of the Prepaid Tuition Trust Plan.~~

~~(3) To the extent possible, the board shall satisfy outstanding contract obligations to persons owning Prepaid Tuition Plan accounts, on a pro rata basis as their interests may appear. Any account owner assets presumed abandoned shall be reported and remitted to the unclaimed property administrator in accordance with the Uniform Unclaimed Property Act in §36-8-1 et seq. of this code: *Provided*, That notwithstanding the requirements of said article, account owner assets are presumed abandoned 60 days after final payment checks for their remaining plan units are issued and said checks have not been presented for payment.~~

~~(i) After all outstanding obligations of the Prepaid Tuition Trust Plan have been satisfied in accordance with this section, any moneys remaining in the Prepaid Tuition Trust Fund and the Prepaid Tuition Trust Escrow Fund shall be allocated as follows:~~

~~(1) Five million dollars shall be transferred to the West Virginia Savings and Investment Program Fulfillment Fund, as set forth in §18-30-6a of this code.~~

~~(2) Up to \$1,000,000 may be maintained in the Prepaid Tuition Trust Escrow Fund, at the election of the board, for a period not to exceed 10 years following the closure of the Fund for the purpose of satisfying any claims against the Prepaid Tuition Trust Plan arising after the plan's closure: *Provided*, That upon the expiration of 10 years following the date of closure of the Prepaid Tuition Trust Fund or when the balance of the Prepaid Tuition Trust Escrow Fund is zero, whichever occurs first, the account shall be closed and any moneys remaining in the Prepaid Tuition Trust~~

~~Escrow Fund upon said fund's closure shall revert to the state's General Revenue Fund.~~

~~(3) All moneys remaining, after the allocations provided in subdivisions (1) and (2) of this subsection, shall revert to the General Revenue Fund.~~

~~(j) To fulfill the charitable and public purpose of this article, neither the earnings nor the corpus of the Prepaid Tuition Trust Fund or the Prepaid Tuition Trust Escrow Fund is subject to taxation by the state or any of its political subdivisions.~~

~~(k) Notwithstanding any provision of this code to the contrary, money in the Prepaid Tuition Trust Fund and the Prepaid Tuition Trust Escrow Fund is exempt from creditor process and not subject to attachment, garnishment, or other process; is not available as security or collateral for any loan, or otherwise subject to alienation, sale, transfer, assignment, pledge, encumbrance, or charge; and is not subject to seizure, taking, appropriation, or application by any legal or equitable process or operation of law to pay any debt or liability of any account owner, beneficiary, or successor in interest.~~

~~The provisions of this section may not be construed to interfere with the operation of the savings plan authorized under this article.~~

(a) The board may implement the program through use of financial organizations as account depositories and managers. The board may solicit proposals from financial organizations to act as depositories and managers of the program. Financial organizations submitting proposals shall describe the investment instruments which will be held in accounts. The board may select more than one financial organization and investment instrument for the program. The board shall select financial organizations to act as program depositories and managers, based on the following criteria:

(1) The financial stability and integrity of the financial organization;

(2) The safety of the investment instrument being offered;



(3) The ability of the financial organization to satisfy recordkeeping and reporting requirements;

(4) The financial organization's plan for promoting the program and the investment the organization is willing to make to promote the program;

(5) The fees, if any, proposed to be charged to the account owners;

(6) The minimum initial deposit and minimum contributions that the financial organization will require;

(7) The ability of the financial organization to accept electronic deposits and withdrawals, including payroll deduction plans; and

(8) Other benefits to the state or its residents included in the proposal, including fees payable to the state to cover expenses of operation of the program.

(b) The board may enter into any contracts with a financial organization necessary to effectuate the provisions of this article. Any management contract shall include, at a minimum, terms requiring the financial organization to:

(1) Take any action required to keep the program in compliance with requirements of this article and any other applicable state or federal law;

(2) Keep adequate records of each account, keep each account segregated from each other account, and provide the board with the information necessary to prepare the statements required by this article and other applicable state and federal laws;

(3) Compile, summarize, and total information contained in statements required to be prepared under this article and applicable state and federal laws and provide such compilations to the board;

(4) Provide the board with access to the books and records of the program manager and with any other information needed to

determine compliance with the contract, this article, and any other applicable state or federal law;

(5) Hold all accounts for the benefit of the account owner or owners;

(6) Be audited at least annually by a firm of certified public accountants selected by the program manager and provide the results of such audit to the board;

(7) Provide the board with copies of all regulatory filings and reports made by the financial organization during the term of the management contract or while the financial organization is holding any accounts, other than confidential filings or reports that will not become part of the program. The program manager shall make available for review by the board and the Treasurer the results of any periodic examination of such manager by any state or federal banking, insurance, or securities commission, except to the extent that such report or reports may not be disclosed under law; and

(8) Ensure that any description of the program, whether in writing or through the use of any medium, is consistent with the marketing plan developed pursuant to the provisions of this article.

(c) The board may:

(1) Enter into contracts it deems necessary for the implementation of the program, including but not limited to a contract with a financial institution, manager, consultant or other professional to provide services to both the College Savings Program and the Jumpstart Savings Program, established in §18-30A-1 *et seq.* of this code;

(2) Require that an audit be conducted of the operations and financial position of the program depository and manager at any time if the board has any reason to be concerned about the financial position, the record keeping practices, or the status of accounts of such program depository and manager; and

(3) Terminate or decline to renew a management agreement: *Provided*, That if the board terminates or does not renew a

management agreement, the board shall seek to promptly transfer such accounts to another financial organization that is selected as a program manager or depository and into investment instruments as similar to the original instruments as possible.

**§18-30-6a. Special revenue account created for fulfillment of savings and investment programs.**

[Repealed].

**§18-30-8. ~~The College prepaid tuition~~ and Jumpstart Savings program Administrative Account.**

(a) There is hereby ~~created~~ continued a separate special revenue account within the State ~~Treasurer's office~~ Treasury titled the "college prepaid tuition and savings program administrating account", which shall hereafter be known as "the College and Jumpstart Savings Administrative Account." The board shall administer and make expenditures from the account for the purposes of implementing, operating, and maintaining the trust funds, and the program created by this article, and the program created by §18-30A-1 et seq of this code.

(b) The administrative account shall receive all fees, charges, and penalties collected by the board. Expenditures from the fund are authorized from collections ~~subject to appropriations made by the Legislature.~~ Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund to be expended as authorized by this section.

**§18-30-10. Reports and account; annual audit.**

(a) In addition to any other requirements of this article, the board shall:

(1) Provide ~~annually summary information on the financial condition of the prepaid tuition trust fund and~~ annual statements on the savings plan accounts to the respective account owners; and

(2) Prepare, or have prepared, a quarterly report on the status of the program, including the trust funds and the administrative account, and provide a copy of the report to the Joint Committee on Government and Finance and the Legislative Oversight commission on education accountability. ~~and~~

~~(3) Prepare, or have prepared, an annual actuarial report of the prepaid tuition trust fund and transmit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Delegates and the Legislative Oversight commission on education accountability.~~

(b) All accounts of the board, including the trust funds, are subject to an annual external audit by an accounting firm, selected by the board, of which all members or partners assigned to head the audit are members of the American institute of certified public accountants. The audit shall comply with the requirements of §5A-2-33 of this code.

#### **§18-30-11. Financial aid eligibility.**

The calculations of a beneficiary's eligibility for state student financial aid for higher education may not include or consider ~~the value of distributions available in a prepaid tuition account or the value of distributions available in a savings plan account.~~

#### **§18-30-13. Board of Trustees; authorization of rules. Remaining obligations of the Prepaid Tuition Program and Escrow Fund.**

~~The legislative rules filed in the state register on September 30, 1997, modified by the board of trustees of the West Virginia prepaid tuition trust fund to meet the objections of the Legislative Oversight commission on education accountability and refiled in the state register on January 30, 1998, relating to the West Virginia prepaid tuition trust fund (rules for the West Virginia prepaid tuition trust fund), are authorized.~~

(a) The Prepaid Tuition Trust Escrow Fund, which was previously authorized by §18-30-6 of this code, is continued in the State Treasury to guarantee payment of outstanding obligations of

the Prepaid Tuition Plan arising after the Plan's closure. The board is authorized to take any action necessary to satisfy obligations of the Prepaid Tuition Plan arising after the Plan's closure.

(b) The Prepaid Tuition Trust Escrow Fund shall consist of any moneys in the fund on the effective date of this section. Up to \$1,000,000 may be maintained in the Prepaid Tuition Trust Escrow Fund for a period not to exceed 10 years following the closure of the Prepaid Tuition Fund for the purpose of satisfying any claims against the Prepaid Tuition Trust Plan arising after the plan's closure: *Provided*, That upon the expiration of 10 years following the date of closure of the Prepaid Tuition Trust Fund or when the balance of the Prepaid Tuition Trust Escrow Fund is zero, whichever occurs first, the account shall be closed and any moneys remaining in the Prepaid Tuition Trust Escrow Fund upon said fund's closure shall revert to the state's General Revenue Fund.

(c) The board shall invest the Prepaid Tuition Trust Escrow Fund, in accordance with the provisions of this article, in fixed income securities, and all earnings of the fund shall accrue to the fund and be available for expenditure in accordance with this section.

## **ARTICLE 30A. WEST VIRGINIA JUMPSTART SAVINGS ACT.**

### **§18-30A-2. Findings.**

(a) The Legislature recognizes the importance of cultivating an environment in West Virginia where our tradespersons and entrepreneurs can be successful in their careers and remain in their home state. The Legislature finds that a savings and investment program to assist our citizens who wish to embark on a new trade or establish a new business within this state, is an investment in the future of West Virginia and its hardworking citizens.

(b) The Legislature further finds that, whenever possible, this article should be read in *pari materia* and construed in harmony with the West Virginia College Savings Program Act, §18-30-1 *et seq.* of this code.

(c) The Legislature further finds that interests in the Jumpstart Savings Program Trust are intended:

(1) To qualify for relevant federal securities law exemptions for public instrumentalities of a state; and

(2) To be exempt from registration under Chapter 32 of the West Virginia Code, titled the "Uniform Securities Act."

**§18-30A-3. Definitions.**

For the purposes of this article, the following terms shall have the following meanings:

(1) "Account owner" means the person who opens and invests money into a Jumpstart Savings Account, as provided in this article.

(2) "Beneficiary" means the person designated as a beneficiary at the time an account is established, or the individual designated as the beneficiary when the beneficiary is changed.

(3) The "board" means the Board of Trustees of the West Virginia College and Jumpstart Savings Board Programs created in ~~§18-30A-5~~ §18-30-4 of this code.

(4) "Contribution" means any amount of money deposited into a Jumpstart Savings Account according to the procedures established and required by the board or the Treasurer.

(5) "Deduction" as used in this article has the same meaning as when used in a comparable context in the laws of the United States relating to income taxes, unless a different meaning is clearly required. Deduction means and refers to a deduction allowable under the federal income tax code for the purpose of determining federal taxable income or federal adjusted gross income, unless text clearly indicates otherwise.

(6) "Distributee" has the same meaning provided in §11-21-12m of this code.

(7) "Distribution" means any disbursement from an account.

(8) The term "family member", as used to describe a person's relationship to a designated beneficiary, includes any of the following:

(A) The spouse of the beneficiary;

(B) A child of the beneficiary or a descendant of the beneficiary's child;

(C) A brother, sister, stepbrother, or stepsister of the beneficiary;

(D) The father or mother of the beneficiary, or an ancestor of either;

(E) A first cousin of the beneficiary;

(F) A stepfather or stepmother of the beneficiary;

(G) A son or daughter of a brother or sister of the beneficiary;

(H) A brother or sister of the father or mother of the beneficiary;

(I) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the beneficiary; or

(J) The spouse of any person described in paragraphs ~~(A)~~ (B) through (I) of this subdivision.

(K) Any term set forth in this subdivision means and includes such term as established through a lawful adoption, including, but not limited to, adoptions of a child or children, or other natural person, by a natural person or natural persons who are not the father, mother, or stepparent of the child or person.

(9) "Labor organization" means any organization, agency, association, union, or employee representation committee of any kind that exists, in whole or in part, to assist employees in negotiating with employers concerning grievances, labor disputes, wages, rates of pay, or other terms or conditions of employment.

(10) The "program" refers to the Jumpstart Savings Program established by this article.

(11) The "Treasurer" refers to the West Virginia State Treasurer or his or her designee.

**§18-30A-5. The Board of Trustees of the West Virginia College and Jumpstart Savings Programs Board; members; terms; compensation, proceedings generally.**

(a) The West Virginia Jumpstart Savings Program shall be administered by the Board of Trustees of the West Virginia College and Jumpstart Savings Board Programs. The board is created in §18-30-4 of this code and is a public instrumentality of the State of West Virginia.

~~(b) The board consists of seven members and includes the following:~~

~~(1) The State Treasurer;~~

~~(2) The State Superintendent of Schools, or his or her designee;~~

~~(3) The Chancellor of the West Virginia Community and Technical College System, or his or her designee;~~

~~(4) Four members, appointed by the Governor, with knowledge, skill, and experience in trade occupations or businesses, to be appointed as follows:~~

~~(A) A member representing a labor organization that represents tradespersons in this state;~~

~~(B) A member representing a business or entity offering apprenticeships in this state; and~~

~~(C) Two private citizens not employed by, or an officer of, the state or any political subdivision of the state.~~

~~(e) The members designated in this section to be appointed by the Governor are so appointed with the advice and consent of the Senate.~~



~~(d) Only state residents are eligible for appointment to the board.~~

~~(e) Members appointed by the Governor serve a term of five years and are eligible for reappointment at the expiration of their terms. If there is a vacancy among appointed members, the Governor shall appoint a person meeting the requirements of this section to fill the unexpired term. Members of the board serve until the later of the expiration of the term for which the member was appointed or the appointment of a successor.~~

~~(f) Members of the board serve without compensation. The Treasurer may pay all reasonable expenses, including travel expenses, actually incurred by board members in the conduct of their official duties. Expense payments are made from the Jumpstart Savings Expense Account and are made at the same rates and in the same manner as travel reimbursements are paid to state employees.~~

~~(g) The Treasurer is the chairman and presiding officer of the board and shall appoint the employees the board considers advisable or necessary.~~

~~(h) The board shall adopt bylaws and rules of procedure at its first official meeting. A majority of the members of the board constitutes a quorum for the transaction of the business of the board.~~

**§18-30A-6. Powers of the board to implement and administer the Jumpstart Savings Program.**

(a) The board shall implement and administer the Jumpstart Savings Program in accordance with this article and all applicable laws and regulations.

(b) The board is authorized to take any lawful action necessary to effectuate the provisions of this article and successfully administer the program, subject to applicable state and federal law, including, but not limited to, the following:

- (1) Adopt and amend bylaws;

(2) Execute contracts and other instruments for necessary goods and services, employ necessary personnel, and engage the services of private consultants, auditors, counsel, managers, trustees, and any other contractor or professional needed for rendering professional and technical assistance and advice: *Provided*, That selection of these services is not subject to the provisions of §5A-3-1 *et seq.* of this code: *Provided, however*, That all expenditures and monetary and financial transactions ~~shall~~ may be subject to periodic audits by ~~the Office of Chief Inspector, or~~ the Legislative Auditor, ~~or both~~;

(3) Implement the program through use of financial organizations as account depositories and managers, as provided in §18-30A-9 of this code;

(4) Develop and impose requirements, policies, procedures, and guidelines to implement and manage the program;

(5) Establish the method by which funds shall be allocated to pay for administrative costs and assess, collect, and expend administrative fees, charges, and penalties;

(6) Authorize the assessment, collection, and retention of fees and charges against the amounts paid into and the earnings on the trust funds by a financial institution, investment manager, fund manager, West Virginia Investment Management Board, the Board of Treasury Investments, or other professional managing or investing the trust funds and accounts;

(7) Invest and reinvest any of the funds and accounts under the board's control with a financial institution, an investment manager, a fund manager, the West Virginia Investment Management Board, the Board of Treasury Investments, or other professional investing the funds and accounts: *Provided*, That investments made under this article shall be made in accordance with the provisions of §44-6C-1 *et seq.* of this code;

(8) Solicit and accept gifts, including bequests or other testamentary gifts made by will, trust, or other disposition; grants; loans; aid; and property, real or personal of any nature and from

any source, or to participate in any other way in any federal, state, or local governmental programs in carrying out the purposes of this article: *Provided*, That the board shall use the property received to effectuate the desires of the donor, and shall convert the property received into cash within 90 days of receipt; and

(9) Propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code, including emergency rules when necessary.

(c) The board may enter into agreements with other states or agencies of, subdivisions of, or residents of those states related to the program or a program that is substantially similar to the Jumpstart Savings Program established by another state.

(d) The power and duties of the board provided in this article are in addition to the powers and duties of the board provided in §18-30-1 *et seq.* of this code.

**§18-30A-8. West Virginia Jumpstart Savings Program Trust and Trust Fund; ~~and Expense Fund~~ created; administrative account.**

~~(a) The board shall establish~~ There is hereby established the Jumpstart Savings Program Trust, a public instrumentality of the State of West Virginia. The Jumpstart Savings Program Trust shall offer and issue interests in the trust to eligible members of the public.

(b) There is hereby also established a Jumpstart Savings Program Trust Fund Account, titled the Jumpstart Savings Trust Fund, within the accounts held by the Treasurer or with a financial institution, an investment manager, a fund manager, the West Virginia Investment Management Board, the Board of Treasury Investments, or any other person for the purpose of managing and investing the trust fund. Assets of the Jumpstart Savings Program Trust are held in trust for account owners and beneficiaries.

~~(b)~~ (c) The Jumpstart Savings Trust Fund shall receive all moneys from account owners on behalf of beneficiaries or from any other source, public or private. Earnings derived from the

investment of the moneys in the Jumpstart Savings Trust Fund shall remain in the fund, held in trust in the same manner as contributions, except as refunded, applied for purposes of the beneficiaries, and applied for purposes of maintaining and administering the program.

~~(e)~~ (d) The corpus, assets, and earnings of the Jumpstart Savings Trust Fund do not constitute public funds of the state and are available solely for carrying out the purposes of this article. Any contract entered into by, or any obligation of the board on behalf of and for the benefit of the program, does not constitute a debt or obligation of the state but is solely an obligation of the Jumpstart Savings Trust Fund.

~~(d)~~ (e) All interest derived from the deposit and investment of moneys in the Jumpstart Savings Trust Fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the trust fund may not be credited or transferred to the State General Fund or to any other fund.

~~(e)~~ (f) In order to fulfill the charitable and public purposes of this article, neither the earnings nor the corpus of the Jumpstart Savings Trust Fund is subject to taxation by the state or any of its political subdivisions.

~~(f)~~ (g) Notwithstanding any provision of this code to the contrary, money in the Jumpstart Savings Trust Fund is exempt from creditor process and not subject to attachment, garnishment, or other process; is not available as security or collateral for any loan, or otherwise subject to alienation, sale, transfer, assignment, pledge, encumbrance, or charge; and is not subject to seizure, taking, appropriation, or application by any legal or equitable process or operation of law to pay any debt or liability of any account owner, beneficiary, or successor in interest.

~~(g) (1) The Jumpstart Savings Program Expense Fund is hereby established in the State Treasury.~~

~~(2) The Jumpstart Savings Expense Fund shall receive all fees, charges, and penalties collected by the board. Expenditures from~~

~~the fund are authorized from collections subject to appropriations made by the Legislature.~~

~~(3) All expenses incurred by the board or the Treasurer in developing and administering the program shall be payable from the Jumpstart Savings Expense Fund.~~

(h) The College and Jumpstart Savings Administrative Account, established in §18-30-8 of this Code, shall receive all fees, charges, and penalties collected by the board. All expenses incurred by the board or the Treasurer in developing and administering the program shall be payable from the College and Jumpstart Savings Administrative Account.

**§18-30A-9. Use of financial organizations as program depositories and managers.**

(a) The board may implement the program through use of financial organizations as account depositories and managers. The board may solicit proposals from financial organizations to act as depositories and managers of the program. Financial organizations submitting proposals shall describe the investment instruments which will be held in accounts. The board may select more than one financial organization and investment instrument for the program. The board shall select financial organizations to act as program depositories and managers ~~from among the bidding financial organizations that demonstrate the most advantageous combination, both to potential program participants and this state,~~ based on the following criteria:

(1) The financial stability and integrity of the financial organization;

(2) The safety of the investment instrument being offered;

(3) The ability of the financial organization to satisfy recordkeeping and reporting requirements;

(4) The financial organization's plan for promoting the program and the investment the organization is willing to make to promote the program;

(5) The fees, if any, proposed to be charged to the account owners;

(6) The minimum initial deposit and minimum contributions that the financial organization will require;

(7) The ability of the financial organization to accept electronic deposits and withdrawals, including payroll deduction plans; and

(8) Other benefits to the state or its residents included in the proposal, including fees payable to the state to cover expenses of operation of the program.

(b) The board may enter into any contracts with a financial organization necessary to effectuate the provisions of this article. Any management contract shall include, at a minimum, terms requiring the financial organization to:

(1) Take any action required to keep the program in compliance with requirements of this article and any other applicable state or federal law;

(2) Keep adequate records of each account, keep each account segregated from each other account, and provide the board with the information necessary to prepare the statements required by this article and other applicable state and federal laws;

(3) Compile, summarize, and total information contained in statements required to be prepared under this article and applicable state and federal laws and provide such compilations to the board;

(4) Provide the board with access to the books and records of the program manager and with any other information needed to determine compliance with the contract, this article, and any other applicable state or federal law;

(5) Hold all accounts for the benefit of the account owner or owners;

(6) Be audited at least annually by a firm of certified public accountants selected by the program manager and provide the results of such audit to the board;

(7) Provide the board with copies of all regulatory filings and reports made by the financial organization during the term of the management contract or while the financial organization is holding any accounts, other than confidential filings or reports that will not become part of the program. The program manager shall make available for review by the board and the Treasurer the results of any periodic examination of such manager by any state or federal banking, insurance, or securities commission, except to the extent that such report or reports may not be disclosed under law; and

(8) Ensure that any description of the program, whether in writing or through the use of any medium, is consistent with the marketing plan developed pursuant to the provisions of this article.

(c) The board may:

(1) Enter into contracts it deems necessary for the implementation of the program, including, but not limited to, a contract with a financial institution, manager, consultant or other professional to provide services to both the Jumpstart Savings Program, and the College Savings Program, established in §18-30-1 et seq. of this code;

(2) Require that an audit be conducted of the operations and financial position of the program depository and manager at any time if the board has any reason to be concerned about the financial position, the record keeping practices, or the status of accounts of such program depository and manager; and

(3) Terminate or decline to renew a management agreement. If the board terminates or does not renew a management agreement, the board ~~shall take custody of accounts held by such program manager and~~ shall seek to promptly transfer such accounts to another financial organization that is selected as a program manager or depository and into investment instruments as similar to the original instruments as possible.;

And,

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

**Eng. Senate Bill 8**—A Bill to repeal §18-30-6a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §12-9-1, §12-9-2, and §12-9-3; to amend and reenact §18-30-1, §18-30-2, §18-30-3, §18-30-4, §18-30-5, §18-30-6, §18-30-8, §18-30-10, §18-30-11, and §18-30-13 of said code; to amend said code by adding thereto a new section, designated §18-30-3a; and to amend and reenact §18-30A-2, §18-30A-3, §18-30A-5, §18-30A-6, §18-30A-8, and §18-30A-9 of said code, all relating generally to the state's savings and investment programs; continuing the Savings and Investment Program Fulfillment Fund and relocating provisions authorizing said fund to a new article of code; clarifying that moneys in the fund may be used for certain savings and investment programs; updating the West Virginia College Prepaid Tuition and Savings Program Act to reflect the termination of the Prepaid Higher Education Program, Plan, and Trust Fund; eliminating obsolete language related to the Prepaid Tuition Program; providing a short title; defining terms; setting forth legislative findings and rules of statutory construction; continuing the West Virginia College Savings Program; continuing the Board of the College Prepaid Tuition and Savings Program and redesignating the board as the Board of Trustees of the West Virginia College and Jumpstart Savings Programs; clarifying that the board is a public instrumentality of the state and the issuer of interests in the Savings Plan Trust; increasing the number of board members; establishing qualifications of certain board members; establishing the duties and powers of the board with regard to the College Savings Program; authorizing the board to use financial organizations as program depositories and managers and providing requirements therefor; continuing the College Prepaid Tuition and Savings Program Administrative Account and redesignating said account as the College and Jumpstart Savings Administrative Account; authorizing certain expenditures from the administrative account; providing that the administrative account is a nonappropriated special revenue account; authorizing the board to



take action to satisfy outstanding obligations of the Prepaid Tuition Trust Plan arising after the Plan's closure; continuing the Prepaid Tuition Plan escrow fund; continuing the board's authority to maintain a certain amount in the escrow fund for up to 10 years; continuing the board's authorization to expend moneys from the escrow fund in certain circumstances; requiring the board to invest the moneys in the escrow fund; providing for closure of escrow fund; setting forth legislative findings and rules of statutory construction related to the Jumpstart Savings Program; defining terms; eliminating the West Virginia Jumpstart Savings Board; requiring the Board of Trustees of the West Virginia College and Jumpstart Savings Program to administer the Jumpstart Savings Program; establishing the powers of the Board of Trustees of the West Virginia College and Jumpstart Savings Programs to implement and administer the Jumpstart Savings Program; authorizing the board to enter into agreements with agencies, subdivisions, or other states regarding programs that are substantially similar to the Jumpstart Savings Program; providing that the Jumpstart Savings Program Trust is a public instrumentality of the state and shall issue interests in said trust to eligible members of the public; eliminating the Jumpstart Savings Expense Fund; providing that fees, charges, and penalties collected by the board in administering the Jumpstart Savings Program shall be deposited in the College and Jumpstart Savings Administrative Account; making Jumpstart Savings Program expenses payable from the administrative account; eliminating inapplicable language relating to selecting financial institutions to provide services for the Jumpstart Savings Program based on existing state purchasing exemption; specifying that the board may enter into a contract with financial institutions to provide services to both the College Savings and Jumpstart Savings programs; eliminating requirement that board take custody of Jumpstart Savings accounts prior to transferring accounts to a new program manager; and making numerous technical corrections.

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

Engrossed Senate Bill 8, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Baldwin, Beach, Maroney, Phillips, and Rucker—5.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 8) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Baldwin, Beach, Maroney, Phillips, and Rucker—5.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 8) takes effect from passage.

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

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

**Eng. Com. Sub. for House Bill 4067**—A Bill to repeal §8-13C-13 of the Code of West Virginia, 1931, as amended; to repeal

§16-1-21 of said code; to repeal §16-41-6 of said code; to repeal §18-10L-7 of said code; to repeal §22A-6-11, §22A-6-12, and §22A-6-13 of said code; to repeal §29-6-7a of said code; to repeal §33-25A-35 of said code; to amend and reenact §5-11B-7; to amend and reenact §5A-6C-4 of said code; to amend and reenact §12-7-12 of said code; to amend and reenact §14-2A-21 of said code; to amend and reenact §16-33-6 of said code; to amend and reenact §31-15A-17b of said code; and to amend and reenact §31-18-24 of said code; all relating to making certain agency reports electronic rather than in printed hard-copy form; and eliminating the reporting requirement entirely for those agencies whose reports are no longer needed or whose deadlines have passed with reports already submitted.

Referred to the Committee on Government Organization.

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 246**, Requiring newly constructed public schools and public schools with major improvements to have water bottle filling stations.

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

**Com. Sub. for Senate Bill 246** (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-9G-1, §18-9G-2, and §18-9G-3, all relating to imposing water bottle filling station requirements for newly constructed public school buildings and existing public school buildings undergoing a major improvement; purpose; defining terms; requiring State Board of Education rules; setting forth requirements for any water bottle filling station installed in a public school building; and requiring county boards to permit students in schools with water bottle filling stations to carry water bottles.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

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

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 262** (originating in the Committee on Energy, Industry, and Mining), Relating generally to financial institutions engaged in boycotts of energy companies.

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

**Com. Sub. for Com. Sub. for Senate Bill 262** (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-15, relating generally to financial institutions engaged in boycotts of energy companies; defining terms; authorizing the State Treasurer to prepare, maintain, and publish a list of financial institutions engaged in boycotts of energy companies; requiring the Treasurer to post the list on his or her website and submit the list to certain public officials; setting forth sources of information on which the Treasurer may rely on preparing the list; requiring the Treasurer to send written notice to a financial institution of its inclusion on the list; requiring the Treasurer to remove a financial institution from the list if it presents information demonstrating that it is not engaged in a boycott of energy companies; authorizing the Treasurer to exclude financial institutions on the list from the selection process for state banking contracts; authorizing the Treasurer to refuse to enter into a banking contract with a financial institution on the list; authorizing the Treasurer to require, as a term of a banking contract, an agreement by the financial institution not to engage in a boycott of energy companies; and limiting liability of public officials, public

employees, members or employees of financial institutions for actions taken in compliance with the new code section and exempting the Investment Management Board.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration  
**Senate Bill 437**, Providing for early discharge of parolees.

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

**Com. Sub. for Senate Bill 437** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-12-18 of the Code of West Virginia, 1931, as amended, relating to granting early discharge to parolees after a minimum of one-year on parole; authorizing the Commissioner of the Division of Corrections and Rehabilitation or his or her designee to request early discharge of a parolee; and providing that the chairperson of the parole board grant early discharge from parole for a parolee upon review of the request for early discharge rather than the decision being made by a panel of the parole board.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice 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 Clements and Swope:**

**Senate Bill 465**—A Bill to amend and reenact §17-2A-2 of the Code of West Virginia, 1931, as amended, relating to removing the residency requirement for the Commissioner of the Division of Highways.

Referred to the Committee on Transportation and Infrastructure.

**By Senators Trump and Weld:**

**Senate Bill 466**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §25-1A-9, relating to limitations on civil actions or appeals brought by inmates by prohibiting civil actions when an inmate has, on three or more prior occasions, had a civil action or appeal dismissed on the grounds that the action was frivolous, malicious, or for failure to state a claim upon which relief may be granted, with the exception that civil actions may be brought when the inmate alleges they are under imminent danger of serious physical injury; and providing that inmates who bring a civil action asserting they are under imminent danger of serious physical injury must state with particularity the basis of the assertion.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 467**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, §11-29-3, §11-29-4, and §11-29-5, all relating to creating the West Virginia Motorsports Entertainment Complex Investment Act; providing legislative findings; giving definitions; creating a tax exemption; and providing for an effective date.

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

**By Senators Rucker, Boley, Grady, Karnes, Maynard, Phillips, Roberts, Smith, Stover, Sypolt, Tarr, and Woodrum:**

**Senate Bill 468**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, §16-2Q-2, §16-2Q-3, §16-2Q-4, §16-2Q-5, §16-2Q-6, §16-2Q-7, §16-2Q-8, §16-2Q-9, §16-2Q-10, §16-2Q-11, §16-2Q-12, §16-2Q-13, and §16-2Q-14, all relating to creating the Unborn Child with Down Syndrome Protection and Education Act; providing for a short title, legislative finding, and purpose; providing for definitions; creating dissemination of information on fetal disabilities; providing for informational publications by department; providing that abortion may not be performed for down syndrome and other disabilities except in the case of a medical emergency; providing reporting forms and establishing criminal penalties; providing professional sanctions and civil penalties; providing for additional enforcement; providing for construction of the act; creating severability; providing for the right of intervention; and providing for an effective date.

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

**By Senators Grady, Clements, Karnes, Phillips, Roberts, Rucker, Stover, Sypolt, and Woodrum:**

**Senate Bill 469**—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to clarifying that persons may lawfully possess loaded rifles and shotguns in their vehicles unless the totality of the circumstances indicate that those persons are attempting to take wildlife.

Referred to the Committee on the Judiciary.

**By Senator Maroney:**

**Senate Bill 470**—A Bill to amend and reenact §16-30-3, §16-30-4, §16-30-5, §16-30-10, §16-30-13, §16-30-19, §16-30-21, §16-30-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-30C-5 of said code, all relating to health care decisions; defining terms; renaming the physician orders for scope of treatment as portable orders for scope of treatment and indicating that advanced practice registered nurses and physician

assistant may complete them within their scope of practice; revising forms of a living will, medical power of attorney, and combined medical power of attorney and living will and specific provisions; providing clarifying language regarding the effect of signing a living will on the availability of medically administered food and fluids; requiring oral food and fluids be provided as desired and tolerated; providing reciprocity for portable orders for scope of treatment or similar medical orders validly executed in another state; providing that forms executed prior to effective date of this bill remain in full force and effect; and providing for effective date.

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

**By Senator Maroney:**

**Senate Bill 471**—A Bill to repeal §16-1-8, §16-1-13 and §16-1-21 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-1-2, §16-1-3 §16-1-4, §16-1-5, §16-1-6, §16-1-7, §16-1-10, §16-1-11, §16-1-12, and §16-1-14 of said code; and to amend and reenact §16-2-2, §16-2-10, §16-2-11, §16-2-12, §16-2-13, §16-2-14, and §16-2-17 of said code; all relating to public health; repealing certain provisions; amending definitions; clarifying duties of the Secretary; amending rule-making authority and the required experience of state health officer; modifying duties of commissioner; clarifying commissioner's service on advisory boards; omitting requirement for annual report on health facility licensing account; modifying provisions on disposition of fees received by commissioner, disbursement of federal aid, and training of employees; clarifying meeting requirements and duties of local board of health; modifying provision concerning appointment of local health officer; amending powers of local health officer and financial provisions for local boards of health; and omitting Secretary's review of certain legislative rules.

Referred to the Committee on Health and Human Resources.

**By Senators Trump and Weld:**

**Senate Bill 472**—A Bill to amend and reenact §49-5-101 of the Code of West Virginia, as amended, relating to permitting a



current or former employee of the Division of Corrections and Rehabilitation access to relevant juvenile records for purposes of pursuing a grievance; permitting the release of such records only after a hearing to determine relevancy by the Public Employees Grievance Board; providing for the sealing of such relevant records from public view and the redaction of any identifying information related to the juvenile; placing certain limitations on the grieving party's use of such records; permitting a grieving party's representative access to such records; requiring a court order for any further use of such records outside of the grievance proceeding; subjecting the grievant and grievance representative to criminal penalties for violations of the section; and making technical corrections.

Referred to the Committee on the Judiciary.

**By Senator Beach:**

**Senate Bill 473**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5J-1, §21-5J-2, §21-5J-3, §21-5J-4, and §21-5J-5, all relating to the rights of applicants and employees to inquire about wages, benefits, and other compensation; and providing for a cause of action for violations.

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

**By Senator Tarr:**

**Senate Bill 474**—A Bill to repeal §11-21-12h of the Code of West Virginia, 1931, as amended, relating to the repeal of the modification reducing federal adjusted gross income relating to tolls for travel on West Virginia toll roads and paid electronically through use of Parkways Authority Commuter cards.

Referred to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 475**—A Bill to amend and reenact §11-10-27 of the Code of West Virginia, 1931, as amended, relating to the consolidation of all administrative fees collected by the agency into

the existing Tax Administration Services Fund; removing the \$3 million cap on the fund; providing that excess amounts in this fund are not converted into the General Fund; consolidating the balances of moneys in various funds collected as fees by, and administered for, the Tax Division of the Department of Revenue reducing the amount of the fee for the state administration of local sales and use taxes; and providing an effective date.

Referred to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 476**—A Bill to amend and reenact §11-12B-3 of the Code of West Virginia, 1931, as amended, relating to the imposition of the minimum severance tax on coal; and making technical corrections to the code.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

**By Senators Takubo, Baldwin, Grady, Nelson, Phillips, Romano, Smith, Stollings, Swope, and Sypolt:**

**Senate Bill 477**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-7-8, relating to requiring the Higher Education Policy Commission to create and administer a PROMISE Plus Program for the purpose of supplementing the PROMISE Scholarship award of an individual who meets more rigorous standards so that the total of both scholarships received by that individual is equal to the actual cost of tuition; addressing eligibility requirements; requiring the commission to promulgate a rule; requiring each award recipient to enter into an agreement which requires repayment of the amount of the grants awarded if the recipient chooses to reside outside the state within the number of years immediately after obtaining the degree or certificate that is equivalent to the number of years the scholarship was received; requiring that the annual award be used to supplement, but not supplant, certain other tuition and fee waivers for which an individual is eligible; clarifying that section does not guarantee a PROMISE Plus scholarship award or any specific amount of a PROMISE Plus scholarship award to any student or that the qualification requirements for PROMISE Plus

scholarship will not be changed before the student is eligible; providing that the total cost of all PROMISE Plus scholarships in any year cannot exceed the amount of funds available; creating a special revenue fund in the State Treasury designated as the PROMISE Plus Scholarship Fund; and giving the commission all the same powers and duties with respect to the PROMISE Plus Program as the commission has with respect to the PROMISE Scholarship Program.

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

Senators Stollings and Phillips offered the following resolution:

**Senate Concurrent Resolution 18**—Requesting the Division of Highways name a portion of Rt. 17, Spruce River Rd., near Ramage, Boone County, beginning at point (37.9856" N) (-81.8223W), at the intersection of Secondary Rt. 20, Six Mile Rd. and Rt. 17, traveling south and ending at point (37.9794N) (-81.8079W) at the intersection with Bias Branch Rd., Secondary Rt. 119/5, traveling approximately 1.1 miles in Boone County, the "U.S. Army SSGT Fred E. Duty Memorial Highway".

Whereas, Fred E. Duty was born November 4, 1922, in Ramage, Boone County, West Virginia, the only son to Hugh and Mary Bell Duty having two sisters, Nancy and Joyce. Fred grew up in Boone County, where he also found the love of his life and married Doris Burton Duty. Fred E. Duty graduated from Scott High School in Boone County, West Virginia, and attended Morris Harvey College in Charleston, West Virginia; and

Whereas, Fred E. Duty was inducted into the U.S. Army on January 5, 1943, and received basic combat training, US Army 12-week ordinance school, and 41C20 fire control artillery repairman training. SSGT Fred E. Duty was a member of the HQ Co 1134th Engineers as a light truck driver for combat engineers and served in battles in Northern France, Ardennes, Rhineland, and Central Europe and was wounded in battle in Germany on March 27, 1945. He was awarded the Purple Heart, American Theater Service

Ribbon, European Theater Service Ribbon, African Theater Service Ribbon, Middle Eastern Theater Service Ribbon, World War II Victory Medal, and Good Conduct Medal; and

Whereas, Except for SSGT Fred E. Duty's time serving his country in the military, he lived in Madison his entire life, attended vocational school, and became an electrician. This led to his employment as an electrician for 34 years in the coal mines of Armco Steel where he was a member of the United Mine Workers of America. SSGT Fred E. Duty was a loyal and faithful member of the Madison United Methodist Church where he served as a lay speaker, showing his faith, and leading by example. SSGT Fred E. Duty could regularly be seen quietly performing work for and supporting members of his community in various public service programs both organized and on his own merits. SSGT Fred E. Duty became a dedicated and long serving member of the Veterans of Foreign Wars Post 5578 in Madison, West Virginia. SSGT Fred E. Duty could always be seen serving his community with many activities of the VFW and performing the final rites to fallen comrades at their gravesides on a regular basis until he passed away on August 19, 2019, having served his fellow citizens for over 96 years; and

Whereas, It is fitting that an enduring memorial be established to commemorate to his contributions to state, country, community, and Boone County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of Rt. 17, Spruce River Rd., near Ramage, Boone County, beginning at point (37.9856" N) (-81.8223W), at the intersection of Secondary Rt. 20, Six Mile Rd. and West Virginia Rt. 17, traveling south and ending at point (37.9794N) (-81.8079W) at the intersection with Bias Branch Rd., Secondary Rt 119/5, traveling approximately 1.1 miles in Boone County, the "U.S. Army SSGT Fred E. Duty Memorial Highway"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying

the portion of the road as the "U.S. Army SSGT Fred E. Duty Memorial Highway"; and, be it

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

Which, under the rules, lies over one day.

Senators Beach, Caputo, Clements, Maroney, Smith, and Sybolt offered the following resolution:

**Senate Resolution 13**—Designating January 25, 2022, as West Virginia University Day.

Whereas, West Virginia University is the state's first and largest land-grant university which has been dedicated to serving the citizens of West Virginia for more than 150 years; and

Whereas, West Virginia University offers students the benefits and programs of a major research institution at a price below the national average; and

Whereas, West Virginia University offers more than 360 majors at the bachelor's, master's, doctoral, and professional levels including programs from accounting to forensics; and

Whereas, West Virginia University Extension serves as the primary outreach arm of West Virginia University with an office in each of the state's 55 counties. Agents and specialists deliver trusted research and innovative solutions to the citizens of West Virginia in the areas of youth development, agriculture, family, and community development; and

Whereas, West Virginia University Extension experts provide career exploration and preparation opportunities for 21ST century jobs particularly in the areas of science, technology, engineering, art, and math; and

Whereas, West Virginia University Extension's 4-H Youth Development program has partnered with the National 4-H

Council to bring citizens the 4-H Tech Changemakers program. The program uses 4-H teens to enhance digital inclusion in their communities, thus reducing the growing opportunity gap in areas like education, employment, health care, social fulfillment, and entrepreneurship—particularly in rural and urban communities that are most influential; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates January 25, 2022, as West Virginia University Day; and, be it

*Further Resolved*, that the Clerk is hereby directed to forward a copy of this resolution to the President of West Virginia University, E. Gordon Gee and to West Virginia University Extension.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 16**, William Gregory "Greg" White, P.E., Memorial Bridge.

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

**Senate Concurrent Resolution 17**, US Air Force 167th Airlift Wing Firefighter/SSgt Logan A. Young Memorial Bridge.

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

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 44**, Requiring State Fire Commission propose rules for sprinkler protection for certain new buildings.

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, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Baldwin, Beach, Maroney, Phillips, and Rucker—5.

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. 44) 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 60**, Allowing BOE create and provide course in family and consumer sciences in secondary schools.

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 Senate Bill 60 pass?"

On the passage of the bill, the yeas were: Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maynard, Nelson, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—26.

The nays were: Azinger, Martin, and Sypolt—3.

Absent: Baldwin, Beach, Maroney, Phillips, and Rucker—5.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 60) 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 229,** Requiring impact statement in certain instances of school closing or consolidation.

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, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Baldwin, Beach, Maroney, Phillips, and Rucker—5.

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. 229) passed with its title.

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

The Senate proceeded to the ninth order of business.

**Senate Bill 4,** Repealing ban on construction of nuclear power plants.

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

**Senate Bill 213,** Establishing licensed professional counseling compact.



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 rereferred to the Committee on Health and Human Resources.

**Senate Bill 214**, Updating telepsychology compact.

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 rereferred to the Committee on Health and Human Resources.

**Com. Sub. for Senate Bill 221**, Establishing occupational therapy compact.

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 rereferred to the Committee on Health and Human Resources.

The Senate proceeded to the tenth order of business.

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

**Senate Bill 1**, Creating Mining Mutual Insurance Company.

**Com. Sub. for Senate Bill 334**, Authorizing miscellaneous agencies and boards to promulgate rules.

**Com. Sub. for Senate Bill 417**, Relating to authorized expenditures of revenues from certain state funds for fire departments.

**Senate Bill 427**, Permitting WV Board of Medicine investigators to carry concealed weapon.

And,

**Senate Bill 436**, Correcting code citation for authority of State Fire Marshal.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Woelfel and Weld.

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

At the request of Senator Takubo, unanimous consent being granted, the remarks by Senator Weld were ordered printed in the Appendix to the Journal.

The Senate then 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 January 21, 2022:

**Senate Bill 464:** Senator Caputo.

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 January 21, 2022:

**Senate Bill 18:** Senator Stollings;

**Senate Bill 20:** Senator Stollings;

**Senate Bill 46:** Senator Stollings;

**Senate Bill 264:** Senator Hamilton;

**Senate Bill 266:** Senators Woodrum and Clements;

**Senate Bill 272:** Senators Grady and Woodrum;

**Senate Bill 417:** Senator Romano;

**Senate Bill 419:** Senator Romano;

**Senate Bill 420:** Senator Romano;

**Senate Bill 422:** Senator Romano;

**Senate Bill 424:** Senators Romano and Clements;

**Senate Bill 425:** Senator Romano;

**Senate Bill 427:** Senators Maynard and Romano;

**Senate Bill 428:** Senator Romano;

**Senate Bill 435:** Senator Romano;

**Senate Bill 437:** Senator Romano;

**Senate Bill 457:** Senator Beach;

**Senate Bill 459:** Senators Woelfel and Trump;

**Senate Bill 464:** Senator Plymale;

**Senate Concurrent Resolution 16:** Senator Stollings;

And,

**Senate Concurrent Resolution 17:** Senators Stollings and Jeffries.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:25 a.m., the Senate adjourned until tomorrow, Tuesday, January 25, 2022, at 11 a.m.

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## TUESDAY, JANUARY 25, 2022

The Senate met at 11:01 a.m.

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

Prayer was offered by Jeffrey L. Branham, Senate Doorkeeper, Cross Lanes, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Richard D. Lindsay II, a senator from the eighth district.

Pending the reading of the Journal of Monday, January 24, 2022,

At the request of Senator Sypolt, 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 2184**—A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to adding new penalties for exposure of governmental representatives, including emergency medical service persons, to fentanyl, or to any other harmful drug or chemical agent, and, for causing harm to such persons by exposing them to said agent.

Referred to the Committee on the Judiciary.

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 2972**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-6-2a, relating to allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption.

Referred to the Committee on the Judiciary.

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. House Bill 3303**—A Bill to amend and reenact §3-5-11 of the Code of West Virginia, 1931, as amended, and to amend and reenact §3-5-19 of said Code; all relating to clarifying the process of filling vacancies on ballots; and, providing that no appointment to an unfilled vacancy may be made after a primary election, save in the case of the subsequent death, withdrawal, incapacity, or disqualification of a candidate.

Referred to the Committee on the Judiciary.

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 164**, Exempting emergency vehicles and private ambulances from paying tolls or other charges.

And reports the same back without recommendation as to passage; but with the recommendation that it first be referred to the Committee on Transportation and Infrastructure; and then, under the original double committee reference, to the Committee on Finance.

Respectfully submitted,

Bill Hamilton,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 164) contained in the preceding report from the Committee on Natural Resources was referred to the Committee on Transportation and Infrastructure; and then, under the original double committee reference, to the Committee on Finance.

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 431**, Relating generally to Uniform Controlled Substances Act.

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

**Com. Sub. for Senate Bill 431** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §60A-4-416 of the Code of West Virginia, 1931, as amended, relating generally to the Uniform Controlled Substances Act; defining and clarifying the phrase "engaged in the illegal use of a controlled substance with another person"; and establishing criminal penalties.

And,

**Senate Bill 449**, Relating to Nonviolent Offense Parole Program.

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

**Com. Sub. for Senate Bill 449** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-12-13c of the Code of West Virginia, 1931, as amended, relating to clarifying that the Nonviolent Offense Parole Program is not available to offenders who are serving a sentence aggregated either consecutively or concurrently with an offense that is a crime of violence against a person or animal, as well as a felony controlled substance offense, a felony firearm offense, nor a felony where the

victim was a minor child; and making the provisions of this section unavailable to those previously released under the terms of this section from the same sentence.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 435**, Awarding service weapon to retiree from Division of Protective Services.

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

Respectfully submitted,

Charles S. Trump IV,  
*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 Tarr:**

**Senate Bill 478**—A Bill to amend and reenact §11-13J-10 of the Code of West Virginia, 1931, as amended, relating to the Neighborhood Investment Program; adding a sunset provision regarding the reporting requirement; and providing an effective date.

Referred to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 479**—A Bill to amend and reenact §11-21-37a of the Code of West Virginia, 1931, as amended, relating to specifying allocation and apportionment of income of flow-through entities and treatment of income derived from flow-through entities by recipients thereof; providing that allocation and apportionment of income for flow-through entities to be the same as allocation and apportionment of income for C corporations; and specifying effective date.

Referred to the Committee on Finance.

**By Senators Smith and Phillips:**

**Senate Bill 480**—A Bill to amend and reenact §22-6-2 and §22-6-29 of the Code of West Virginia, 1931, as amended, all relating to the Office of Oil and Gas of the Department of Environmental Protection; establishing annual oversight fee for wells producing more than 10,000 cubic feet of gas per day; and providing that those fees, if not used for other purposes, may be moved to the Oil and Gas Reclamation Fund.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

**By Senators Smith and Phillips:**

**Senate Bill 481**—A Bill to amend and reenact §22-15A-3a of the Code of West Virginia, 1931, as amended, relating to the Adopt-A-Stream Program; requiring volunteers 17 years of age or younger be accompanied by an adult; allowing department to approve or deny applications at its discretion; lengthening period of adoptions from one to three years; and requiring one cleanup of the river prior to road signs being erected.

Referred to the Committee on Natural Resources.

**By Senator Smith:**

**Senate Bill 482**—A Bill to amend and reenact §11-15-30 of the Code of West Virginia, 1931, as amended, relating to dedication of collections or proceeds of sales tax from the sale of



parts, tires, and repair and maintenance services for motor vehicles to State Road Fund.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Baldwin:**

**Senate Bill 483**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5DD-1, §16-5DD-2, §16-5DD-3, §16-5DD-4, §16-5DD-5, and §16-5DD-6, all relating to creating the Wholesale Prescription Drug Importation Program; setting requirements for the design of the program; setting certain deadlines for the implementation of the program; requiring monitoring for anticompetitive behavior; ensuring compliance with federal law; requiring a plan for program financing to be provided to the Joint Committee on Government and Finance; authorizing the proposal of emergency and legislative rules; providing for certain implementation requirements; and requiring annual reporting to the Legislature.

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

**By Senator Trump:**

**Senate Bill 484**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-1-3, relating to the application of an American Law Institute restatement of the law provision that is inconsistent with clearly established West Virginia law.

Referred to the Committee on the Judiciary.

**By Senators Hamilton, Martin, Stover, and Sypolt:**

**Senate Bill 485**—A Bill to amend and reenact §20-5-15 and §20-5-16 of the Code of West Virginia, 1931, as amended, relating to the authority of the Division of Natural Resource to enter into certain contracts.

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

**By Senators Plymale and Woelfel:**

**Senate Bill 486**—A Bill to amend and reenact §5-10-2 and §5-10-24 of the Code of West Virginia, 1931, as amended, all relating to special needs trusts; allowing retirees in the Public Employees Retirement System to designate a special needs trust as beneficiary; defining terms; and providing for substitution of special needs trust as beneficiary post retirement in certain circumstances.

Referred to the Committee on Pensions.

Senator Stollings offered the following resolution:

**Senate Concurrent Resolution 19**—Requesting the Division of Highways name bridge number 30-003/05-014.73 (30A291), (37.89343,-82.23993), locally known as the Kirk Beam Span Bridge, carrying County Route 3/5 over West Fork Twelvepole Creek in Mingo County, the "U.S. Army PVT Thomas D. Beckett, Sr. Memorial Bridge".

Whereas, PVT Thomas D. Beckett, Sr. was born October 14, 1909, at Kirk, Mingo County, West Virginia, to John J. Beckett and Polly Bailey. He lost both of his parents at a young age and began working in the coal mines of southern West Virginia at the age of fourteen; and

Whereas, On June 18, 1935, Thomas D. Beckett, Sr. married Brookie Dillon in Logan County, West Virginia. They settled in Peach Creek, Logan County. Thomas D. Beckett, Sr. and his wife were the parents of eleven children.

Whereas, Around 1939, Thomas D. Beckett, Sr. and his wife moved to Kirk, Mingo County, West Virginia where they would raise their family. Their home was located at Mudlick Branch. He continued working in the coal mines for several years. In 1940, he was employed by West Virginia Coal & Coke Corporation located in Omar, West Virginia. As a coal miner, he was injured several times; and

Whereas, PVT Thomas D. Beckett, Sr. served in the U.S. Army during World War II. He served in Company D, 27th Medical Training Battalion at Camp Grant, Illinois and received an

honorable discharge on July 18, 1944. After returning home from the Army, PVT Thomas D. Beckett, Sr. was appointed Postmaster of Kirk, West Virginia on May 15, 1946. He served in this capacity until 1956. He was the last to serve in this position as the Kirk post office was discontinued January 27, 1956, effective February 24, 1956. In Kirk, PVT Thomas D. Beckett, Sr. also ran a grocery store called Beckett Grocery, which began on the front porch of his home. Eventually, he built a small building which housed the post office and his store in front of his home at Mudlick Branch. Both PVT Thomas D. Beckett, Sr. and his wife took care of anyone who needed help in the community allowing people to purchase groceries on credit and constantly lending a helping hand to their neighbors. PVT Thomas D. Beckett, Sr. learned to become an auto mechanic at Charley White's Garage in Dingess, West Virginia. He also served as a deacon at Bailey Baptist Church located in Kirk, West Virginia.

Whereas, Around 1956, PVT Thomas D. Beckett, Sr. moved his family to Dunlow, Wayne County, where he operated another store which ultimately was lost to fire. He then used his auto mechanic training and opened an auto garage and filling station located across the road from his home.

Whereas, On July 30, 1976, PVT Thomas D. Beckett, Sr. was struck by a car in front of his home at Dunlow, West Virginia while walking across Route 152 to his garage. He was taken to Cabell Huntington Hospital where he passed away on August 1, 1976. He was 66 years old. He was the first to be buried on what would become the Beckett Family Cemetery; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army Pvt. Thomas D. Beckett, Sr. and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 30-003/05-014.73 (30A291), (37.89343,-82.23993) locally known as the Kirk Beam Span Bridge, carrying County Route 3/5 over West Fork Twelvepole Creek in Mingo County, the

"U.S. Army PVT Thomas D. Beckett, Sr. 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 "U.S. Army PVT Thomas D. Beckett, Sr. 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 Stollings offered the following resolution:

**Senate Concurrent Resolution 20**—Requesting the Division of Highways name a portion of WV17, beginning at (38.05727) (-81.82520), and ending at (38.05264) (-81.83461), in Madison, Boone County, the "U.S. Air Force LT COL Robert J. Hill Memorial Road".

Whereas, Robert J. Hill was born September 24, 1936, son of the late Wallace Alvin Hill and Mattie Varney Hill. Robert grew up in Boone County, West Virginia in an area known as the North Fork of Big Creek; and

Whereas, Robert J. Hill graduated in 1953 from Scott High School. He attended Marshall University, and after two years, he received an emergency teacher certificate which allowed him to teach at a two-room public school at the North Fork of Big Creek; and

Whereas, Robert J. Hill had an Uncle Edsel Carl Varney who was a World War II Navy pilot [Pacific Theatre], then a local pilot, and who was a major influence in his life. Although his parents wanted him to become a teacher, Robert J. Hill was enthralled with the idea and strongly desired to become a pilot from his awareness of his Uncle Varney's history; and

Whereas, On September 27, 1956, LT COL Robert J. Hill entered the United States Air Force and in 1958, he became a commissioned officer. LT COL Robert J. Hill's eyesight would prohibit him from becoming a pilot, so instead he became a navigator that would define his Air Force career; and

Whereas, In his over 22 years of Air Force service, LT COL Robert J. Hill would spend most that time in the Strategic Air Command [SAC], where he witnessed many new innovations. Trained in electronic warfare and electronic counter measures equipment, his initial assignment was a B-52; and

Whereas, In 1963, LT COL Robert J. Hill was assigned to a B-58, often used for reconnaissance using aerial photography which he had been trained to perform. On March 27, 1964, his aircraft was assigned to fly over the Alaskan earthquake area to photograph the damage. Those photographs were rapidly developed and provided to the Department of Defense and to President Lyndon B. Johnson. In September 1967, he received a call from President Johnson requesting another mission to photograph the damage of Hurricane Beulah; and

Whereas, From 1969-1970, LT COL Robert J. Hill was reassigned to become a Navigator qualified in the air refueling aircraft, the KC-135. In 1972, LT COL Robert J. Hill was assigned to Maxwell Air Force Base to participate in the Air Force's Command Staff College and concurrently entered Troy State University, where, in 1973, he earned a Bachelor of Science degree; and

Whereas, With his exemplary navigator skills, the Air Force was engaging with the linked electronic radar bombing site technology. From 1973-1974, LT COL Robert J. Hill completed the Skyport training and became an active Combat Controller in Ubon, Thailand in support of the Vietnam conflict. In late 1974, having exemplary electronic radar bombing site technology, LT COL Robert J. Hill would soon become the Operations Officer, and then Detachment Commander; and

Whereas, On October 31, 1978, LT COL Robert J. Hill retired from the United States Air Force with over 22 years of service. As a result of his service with the Strategic Air Command and other assignments involving secret missions, top secret equipment, and his high security clearance, LT COL Robert J. Hill's full history can never be told; and

Whereas, Many service awards bestowed upon LT COL Robert J. Hill were not allowed public view. However, many of his awards are known: December 15, 1958-January 10, 1963: Air Force Commendation Medal; March 28-29, 1964: The Air Medal [Alaska Earthquake]; January 25, 1963-November 15, 1969: Air Force Commendation Medal; First Oak Leaf Cluster [meritorious service]; March 15, 1971-July 7, 1972: The Air Medal; First Oak Leaf Cluster; January 30, 1977-October 31, 1978: Air Force Commendation Medal; Second Oak Leaf Cluster [meritorious service]; the Vietnam Service, and the Armed Services Expeditionary Medals; and

Whereas, In 1958, LT COL Robert J. Hill married his sweetheart, Mary Frances Craddock, and they have two children, Susan Hill Keller and Steven A. Hill; and

Whereas, Following retirement in 1978, LT COL Robert J. Hill remained in Bismarck, North Dakota until 1989 when he and his family returned to Boone County; and

Whereas, LT COL Robert J. Hill was a member of two Madison-based Boone County veterans organizations: the American Legion, Post 87 and the VFW, Post 5578; and

Whereas, LT COL Robert J. Hill died on November 13, 2020, at his home in Jeffrey; he was preceded in death by his wife, Mary Frances Craddock Hill. He is survived by his daughter, Susan Keller (Terry) of Grayson, KY; son, Steven A. Hill of Ramage, two grandchildren, three great-grandchildren, and sister, Linda Marcum; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Air Force LT COL Robert J. Hill and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of WV17, beginning at (38.05727) (-81.82520), and ending at (38.05264) (-81.83461), in Madison, Boone County, the "U.S. Air Force LT COL Robert J. Hill Memorial Road"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "U.S. Air Force LT COL Robert J. Hill Memorial Road"; 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 Jeffries offered the following resolution:

**Senate Concurrent Resolution 21**—Requesting the Division of Highways name bridge number 40-034/00-021.21 (40A162), (38.53214,-81.89558) locally known as Winfield 34 over pass, carrying 34 over 817 in Putnam County, the "Putnam County Veterans Memorial Bridge".

Whereas, Putnam County is home to approximately 4,000 veterans ranging from the Korean War to the War in Afghanistan and make up about nine percent of West Virginia's veteran population. Thousands of Putnam County residents have proudly served in the military from the Civil War to the War in Afghanistan and have received every commendation except the Medal of Honor. Putnam County is the home of three National Guard Units 111th Engineer Brigade, 3664th Support Maintenance Company, B-Troop 1st of the 150th Armor, and a US Navy Reserve Center. Many of these guardsmen, women, and Naval Reservists are also veterans of the Gulf War and the wars in Iraq and Afghanistan.

These men and women cross this bridge every day on their way to the armory; and

Whereas, Many of our veterans, when they return home, continue to serve their communities in Putnam County and surrounding areas as first responders, Sheriff of Putnam County, business owners, and elected officials. Putnam County Veterans also continue to serve their communities and other veterans through The American Legion, Marine Corps League, and Veterans of Foreign Wars Veteran Organizations. The 231 members of The American Legion in Winfield have one of the best Honor Guards in the area. They were called upon to assist with the former Secretary of State Ken Hechler's Funeral, Charleston Veterans Day parade and Pearl Harbor Day ceremony. They also hold several ceremonies within the county honoring veterans. The VFW Post has approximately 150 members and serves the Veterans of Putnam County with their Honor Guard and contributions to many organizations within the county. The Marine Corps League and it's 27 members is the newest veteran's organization in Putnam County forming in 2020. Since forming they have participated in several veteran ceremonies in the county, led parades in Hurricane and presented the Nations Colors at Hurricane High Schools Band Competition. They have also started an annual 5K/10K Race to fund a scholarship in honor of their Detachments name's sake CPL William B. Fulks. The veteran organizations teach our youth the history of our flag, how to take care of the flag, and what it takes to keep our country free. They also contribute thousands of dollars every year to veterans in need and other community organizations; and

Whereas, Putnam County has many memorials honoring those who have made the ultimate sacrifice. Eighty-nine Putnam County residents have made that sacrifice since World War II but have nothing to honor those who have proudly served our country. Everyday hundreds of Putnam County Veterans and/or their families cross over the overpass on Route 817, which is right beside the counties War Memorial, in Winfield. What better way to show the State and Putnam County's gratitude than to name this overpass in honor of all Putnam County Veterans; and



Whereas, It is fitting that an enduring memorial be established to commemorate Putnam County Veterans and their contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 40-034/00-021.21 (40A162), (38.53214, -81.89558) locally known as Winfield 34 over pass, carrying 34 over 817 in Putnam County, the "Putnam County Veterans 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 "Putnam County Veterans 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.

Senators Nelson, Takubo, Jeffries, and Lindsay offered the following resolution:

**Senate Resolution 14**—Congratulating the George Washington High School Patriots golf team for winning the 2021 Class AAA State Championship.

Whereas, The George Washington High School Patriots golf team had another successful year. They won the 2021 Class AAA State Championship; and

Whereas, The George Washington High School Patriots golf team accomplished various honors, one being Mario Palumbo as a regional medalist, while winning its fourth state championship; and

Whereas, The George Washington High School Patriots golf team was coached by B.J. Calabrese, and led by team members Austin Willard, Anderson Goldman, Mario Palumbo, Nik Tomblin, and Sam Alderman; and

Whereas, The 2021 George Washington High School Patriots golf team displayed its strong will and fierce determination during a health pandemic. For an entire season that included practice limitations, reorganized schedules, last minute canceled matches, and the uncertainty week-to-week as to what their season would be; therefore, be it

*Resolved by the Senate:*

That the Senate hereby congratulates the George Washington High School Patriots golf team for winning the 2021 Class AAA State Championship; and, be it

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

Which, under the rules, lies over one day.

At the request of Senator Caputo, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate then proceeded to the seventh order of business.

**Senate Concurrent Resolution 18**, US Army SSGT Fred E. Duty Memorial Highway.

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

**Senate Resolution 13**, Designating January 25, 2022, as West Virginia University Day.

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

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

The Senate proceeded to the eighth order of business.

**Eng. Senate Bill 4**, Repealing ban on construction of nuclear power plants.

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 Senate Bill 4 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Boley, Brown, Clements, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Plymale, Roberts, Stollings, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—24.

The nays were: Beach, Caputo, Geffert, Phillips, Romano, Smith, and Sypolt—7.

Absent: Maroney, Rucker, and Stover—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 4) passed with its title.

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

Thereafter, at the request of Senator Weld, and by unanimous consent, the remarks by Senators Swope, Geffert, Woelfel, Tarr, Romano, Takubo, Karnes, and Beach regarding the passage of Engrossed Senate Bill 4 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the ninth order of business.

**Senate Bill 1**, Creating Mining Mutual Insurance Company.

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 334**, Authorizing miscellaneous agencies and boards to promulgate rules.

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

On motion of Senator Trump, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page eight, section one, line sixty-six, by striking out the words "paragraph subsection 16.2.b.9. to read as follows:";

And,

On page eight, section one, after line sixty-six, by inserting the words "On page twelve, after paragraph 16.2.b.8. by adding a new paragraph 16.2.b.9. to read as follows:".

The bill (Com. Sub. for S. B. 334), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 417**, Relating to authorized expenditures of revenues from certain state funds for fire departments.

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

**Senate Bill 427**, Permitting WV Board of Medicine investigators to carry concealed weapon.

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

**Senate Bill 436**, Correcting code citation for authority of State Fire Marshal.

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 246**, Requiring newly constructed public schools and public schools with major improvements to have water bottle filling stations.

**Com. Sub. for Com. Sub. for Senate Bill 262**, Relating generally to financial institutions engaged in boycotts of energy companies.

And,

**Com. Sub. for Senate Bill 437**, Providing for early discharge of parolees.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Karnes, Lindsay, Takubo, and Woelfel.

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 removed as co-sponsors of the following bills on January 24, 2022:

**Senate Bill 132**: Senator Woodrum;

And,

**Senate Bill 464**: Senator Romano.

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 January 24, 2022:

**Senate Bill 5**: Senator Caputo;

**Senate Bill 11**: Senator Hamilton;

**Senate Bill 254:** Senator Rucker;

**Senate Bill 264:** Senator Stollings;

**Senate Bill 416:** Senator Karnes;

**Senate Bill 463:** Senator Rucker;

**Senate Bill 465:** Senator Roberts;

**Senate Bill 468:** Senator Clements;

**Senate Bill 469:** Senator Hamilton;

**Senate Bill 473:** Senators Lindsay and Caputo;

**Senate Bill 477:** Senators Hamilton and Lindsay;

**Senate Joint Resolution 1:** Senator Rucker;

**Senate Joint Resolution 5:** Senator Karnes;

**Senate Joint Resolution 8:** Senator Karnes;

**Senate Concurrent Resolution 18:** Senator Jeffries;

And,

**Senate Resolution 13:** Senators Roberts, Hamilton, Takubo, Stollings, and Jeffries.

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

On motion of Senator Takubo, at 11:40 a.m., the Senate adjourned until tomorrow, Wednesday, January 26, 2022, at 11 a.m.

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## WEDNESDAY, JANUARY 26, 2022

The Senate met at 11:01 a.m.

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

Prayer was offered by Jerry Bias, Lay Pastor from Madison United Methodist Church, Madison, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ryan W. Weld, a senator from the first district.

Pending the reading of the Journal of Tuesday, January 25, 2022,

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

At the request of Senator Karnes, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant Amy Karnes, wife of the Honorable Robert L. Karnes, a senator from the eleventh district, and Melody Sheppard privileges of the floor for the day.

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

Senator Blair (Mr. President) announced that, under the provisions of Senate Resolution 10 (*Adopting special rule of order relating to COVID-19 pandemic*) adopted January 18, 2022, the following senator had been approved to vote by proxy:

Senator Maroney, and that Senator Takubo had been designated to vote on his behalf.

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, without amendment, to take effect from passage, and requested the concurrence of the Senate in the changed effective date, as to

**Eng. Senate Bill 191**, Allowing poll workers to work full and half days.

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

On further motion of Senator Takubo, the Senate concurred in the changed effective date of the bill, that being to take effect from passage, instead of ninety days.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney (by proxy), Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Rucker, Stover, and Woelfel—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 191) takes effect from passage.

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

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

**Eng. Com. Sub. for House Bill 2177**—A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating to state issued identification cards; and permitting the



issuance of a state issued identification card without a photo on the card, based upon signing a written affidavit or other form that taking a photograph would violate religion tenet or religious belief.

Referred to the Committee on the Judiciary.

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. House Bill 2325**—A Bill to amend and reenact §30-27-10 of the Code of West Virginia, 1931, as amended, relating to removing the requirement of continuing education for barbers and cosmetologists.

Referred to the Committee on Government Organization.

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

**Eng. Com. Sub. for House Bill 3220**—A Bill to amend and reenact §6B-3-10 of the Code of West Virginia, 1931, as amended, relating to required disclosure of information from state agencies, municipalities, counties, or school districts that have contracted with a state agency for consulting services related to lobbying; and establishing an effective date.

Referred to the Committee on Government Organization.

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

**Eng. Com. Sub. for House Bill 3231**—A Bill to amend and reenact §24-3-8 of the Code of West Virginia, 1931, as amended, relating to public utility security deposits and interest thereon; prohibiting the charging of interest on security deposits held for up to eighteen months; and updating reference to prior law.

Referred to the Committee on Finance.

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 3312**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §10-3A-1, §10-3A-2, §10-3A-3, §10-3A-4, §10-3A-5, §10-3A-6, and §10-3A-7, all relating to the establishment of a monument to child labor; providing for legislative findings; establishing a short title; creating a commission to oversee the siting, design, construction, and dedication of the monument; establishing membership of the commission; outlining the goals of the commission regarding location of the monument; providing for a funding mechanism from existing revenue sources for construction and maintenance of the monument; creating an inscription or plaque to be used in the dedication of the monument; disbanding the commission upon meeting certain conditions; granting the City of Fairmont the ownership of the monument; providing funds for the City of Fairmont to maintain the monument; and establishing a mechanism for maintenance and ownership of the monument under certain conditions.

Referred to the Committee on Government Organization.

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

**Eng. Com. Sub. for House Bill 4062**—A Bill to amend and reenact §17-2A-2 of the Code of West Virginia, 1931, as amended, relating to removing the residency requirement for the Commissioner of the Division of Highways.

Referred to the Committee on Transportation and Infrastructure.

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 4065**—A Bill to amend and reenact §18-2-8a of the Code of West Virginia, 1931, as amended, relating to a hunter safety orientation program in public schools; requiring program to be implemented; directing the State Board of Education to promulgate a rule for program requirements and implementation; and providing minimum program requirements.

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 4074**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-40a, all relating to providing education on and prevention of self-harm behavior and eating disorders in public schools; naming the section "Meghan's Law"; requiring the state board to propose a legislative rule to establish training requirements for all public school employees on students' self-harm behaviors and eating disorders; setting forth criteria for said rule; requiring for yearly education of middle school and high school students regarding self-harm behavior and eating disorders signs, prevention and treatment; providing for consultation with the Bureau for Behavioral Health and Health Facilities, and allowing for the promulgation of state board rules therefore.

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

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

**Eng. Com. Sub. for House Bill 4112**—A Bill to amend and reenact §33-51-3, §33-51-8, §33-51-9, and §33-51-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-51-12, all relating to the regulation of pharmacy benefit managers; defining terms; prohibiting a pharmacy benefit manager from limiting a

consumer's access to prescription drugs through the designation of specialty drugs; requiring pharmacy benefit managers to disclose any sub-networks for specialty drugs to the Insurance Commissioner; prohibiting a pharmacy benefit manager from limiting network access; requiring notice of contract changes; and providing an effective date.

Referred to the Committee on Health and Human Resources.

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

**Eng. Com. Sub. for House Bill 4113**—A Bill to repeal §16-1-8, §16-1-13 and §16-1-21 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-1-2, §16-1-3, §16-1-4, §16-1-5, §16-1-6, §16-1-7, §16-1-10, §16-1-11, §16-1-12 and §16-1-14 of said code; and to amend and reenact §16-2-2, §16-2-10, §16-2-11, §16-2-12, §16-2-13 and §16-2-14 of said code; all relating to public health; permitting the secretary to appoint advisory councils; allowing the secretary of the Department of Public Health to propose legislative rules; requiring the commissioner of the Bureau of Public Health to establish a Center for Local Public Health; creating powers for the center; permitting local boards of health to provide immunizations and threat preparedness; and repealing obsolete areas of code.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

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

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 151**, Creating license plate recognizing linemen.

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

**Com. Sub. for Senate Bill 151** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to issue special vehicle registration plates recognizing the occupation of linemen; and establishing fees for the special vehicle registration plate.

And,

**Senate Bill 192**, Establishing Civil Air Patrol license plate.

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

**Com. Sub. for Senate Bill 192** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to issue special Civil Air Patrol vehicle registration plates; and establishing fees for the special vehicle registration plate.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

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

Your Committee on Education has had under consideration

**Senate Bill 219**, Relating to nutrition and exercise education.

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

**Com. Sub. for Senate Bill 219** (originating in the Committee on Education)—A Bill to amend and reenact §18-2-7a of the Code

of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-2-7g, all relating to designating the specific grade levels to which the specified physical education requirements are applicable; requiring the existing program prescribed by the State Board of Education within the existing health and physical education program to include pre- and post-testing; allowing a school district to develop or adopt a program in which the subject of nutrition and exercise education is taught instead of the program required to be prescribed by the state board; setting forth requirements for program developed or adopted; allowing school districts to apply for funding to support the implementation of the program; requiring the Department of Education to assess body mass index data as a factor in determining whether, and to what degree, any of certain programs are improving student health; creating the Nutrition and Exercise Education Fund from which moneys are to be awarded on a competitive basis to eligible school districts; requiring the Department of Education to annually submit a report to the Governor and the Legislative Oversight Commission on Education Accountability; allowing a school district to make available to schools within the district a program in which the subject of nutrient and exercise education is taught; setting forth requirements applicable to the program; allowing school districts utilizing the program to be eligible to apply for funding from the Nutrition and Exercise Education Fund; setting forth requirements applicable to each school in a school district electing to participate in the program; allowing school districts to issue a request for proposals to contract with qualified service providers on a per-student rate to provide certain programs and/or products; setting forth certain criteria that providers of programs and products must meet to be considered by school districts; and setting forth required program accountability measures.

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,

Rollan A. Roberts,  
*Vice Chair.*

The bill (Com. Sub. for S. B. 219), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Education has had under consideration

**Senate Bill 261**, Requiring video cameras in certain special education classrooms.

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

**Com. Sub. for Senate Bill 261** (originating in the Committee on Education)—A Bill to amend and reenact §18-20-11 of the Code of West Virginia, 1931, as amended, relating to requiring video cameras in certain special education classrooms; allowing school principal to designate another school administrator to be the custodian of the video camera, all recordings of the camera, and access to those recordings; modifying provisions pertaining to the amount of time a video is required to be retained; removing requirement to delete or otherwise make unretrievable after a certain time period; clarifying that the principal or other designated school administration is not required to view the video recording absent an authorized request or suspicion of an incident except as otherwise provided; removing prohibition against allowing regular, continuous, or continual monitoring of video recording; allowing the school principal, other school administration designee, or in certain instances, a county designee to view a video recording; requiring no less than 15 minutes of the video of each self-contained classroom to be viewed at no less than every 90 days; modifying provisions pertaining to the viewing of a video recording by a law-enforcement officer or the Department of Health and Human Resources; requiring a public school or school district to allow a judge, counsel, or other legal entity to view a video recording in certain instances; requiring certain incidents to be reported pursuant to code section mandating reporting of suspected child abuse and neglect; and providing that cameras in

special education classrooms section only applies to cameras installed pursuant to that section.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Rollan A. Roberts,  
*Vice 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 Bills 279, 280, 281, 282, 283, 284, 285, and 286**, DEP rule relating to ambient air quality standards.

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

**Com. Sub. for Senate Bill 279** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-3-1 *et. seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee, and as amended by the Legislature; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from combustion of solid waste; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the requirements for the management of coal combustion



residuals; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the requirements governing water quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the underground injection control rule; and authorizing the Department of Environmental Protection to promulgate a legislative rule relating to administrative proceedings and civil penalty assessment.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 423**, Establishing limited exemption to photo ID requirements.

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

**Com. Sub. for Senate Bill 423** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating to identification cards without a photo; authorizing the Division of Motor Vehicles to issue identification cards without a photo; setting forth requirements for a form supplied by the division; and specifying requirements for applicants of a photo-less identification card.

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

Respectfully submitted,

Charles H. Clements,  
*Chair.*

The bill (Com. Sub. for S. B. 423), under the original double committee reference, was then referred to the Committee on the Judiciary.

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 433**, Relating to municipal fire departments.

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

**Com. Sub. for Senate Bill 433** (originating in the Committee on Government Organization)—A Bill to amend and reenact §8-15-1 of the Code of West Virginia, 1931, as amended, relating to municipal fire departments; granting municipal fire marshal the authority to assist in the lawful execution of another law-enforcement officer's official duties.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

The bill (Com. Sub. for S. B. 433), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 441**, Providing confidentiality of video and other records of correctional juvenile facilities.

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

**Com. Sub. for Senate Bill 441** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-4-8a, relating to correctional institutions and juvenile facilities generally; deeming certain video and audio recordings records and reports to be confidential; creating exceptions to confidentiality; requiring court orders directly disclosure to contain a provision limiting disclosure to the purposes necessary to the proceeding and prohibiting unauthorized use and publication; and defining terms.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

**Senate Bill 448**, Developing policies and procedures for Statewide Interoperability Executive Committee.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

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

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

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

**Senate Bill 461**, Removing statutory limit for Environmental Laboratory Certification Fund.

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

**Com. Sub. for Senate Bill 461** (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §22-1-15 of the Code of West Virginia, 1931, as amended, relating to removing the statutory limit of \$300,000 for the Environmental Laboratory Certification Fund.

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,

Randy E. Smith,  
*Chair.*

The bill (Com. Sub. for S. B. 461), under the original double committee reference, was then referred to the Committee on Finance.

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

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

**Senate Bill 462**, Changing fees for permitting actions related to coal mining.

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,

Randy E. Smith,  
*Chair.*

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

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

Your Committee on Education has had under consideration

**Senate Bill 467**, Creating WV Motorsports Entertainment Complex Investment Act.

And reports the same back without recommendation as to passage; but with the recommendation that it first be referred to the Committee on Economic Development; and then, under the original double committee reference, to the Committee on Finance.

Respectfully submitted,

Rollan A. Roberts,  
*Vice Chair.*

At the request of Senator Roberts, unanimous consent being granted, the bill (S. B. 467) contained in the preceding report from the Committee on Education was referred to the Committee on Economic Development; and then, under the original double committee reference, to the Committee on Finance.

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

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 9**, Haynie Family Veterans Memorial Bridge.

And,

**Senate Concurrent Resolution 15**, US Army PVT Shirley E Bailey Memorial Bridge.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

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

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 11**, Dennis E. Davis Veterans Nursing Home.

And reports back a committee substitute for same as follows:

**Com. Sub. for Senate Concurrent Resolution 11** (originating in the Committee on Transportation and Infrastructure)—Requesting the West Virginia Department of Veterans' Assistance to name the new veterans' nursing home, to be built in Beckley, the "Dennis E. Davis Veterans Nursing Home".

Whereas, Dennis E. Davis began his association with the United States military in 1959 when he entered the Reserve Officer

Training Corps (ROTC) program at West Virginia State College, now known as West Virginia State University; and

Whereas, Dennis E. Davis served stints with the U.S. Army at Fort Knox in Kentucky and Fort Sill in Oklahoma. In 1965, he graduated from the Army's Non-Commissioned Officer Academy and received an honorable discharge in 1970; and

Whereas, In 1968, Dennis E. Davis received a Bachelor of Science degree in the field of education from West Virginia State College and subsequently began a career with the Kanawha County schools as a teacher, counselor, and administrator. In 1970, he received a Master of Science degree from Marshall University; and

Whereas, Dennis E. Davis ultimately took on the role of Assistant Superintendent of Kanawha County Schools for vocational, technical, and adult education; and

Whereas, In 1996, Governor Cecil Underwood appointed Dennis E. Davis as Executive Director of Workforce Development for West Virginia, in which position he served for four years; and

Whereas, Dennis E. Davis briefly returned to Kanawha County schools in 2013 as a member of the Kanawha County Board of Education, serving out the unexpired term of a previous member; and

Whereas, In January 2017, Governor Jim Justice appointed Dennis E. Davis as Cabinet Secretary for the West Virginia Department of Veterans Assistance. He was responsible for the administration of claims for assistance across the state, as well as the WV Veterans Nursing Facility, the West Virginia Veterans Home, and the Donel C. Kinnard Memorial State Veterans Cemetery, where he was also a member of the honor guard; and

Whereas, Dennis E. Davis passed away on January 18, 2021, at his home in Institute, West Virginia, in the presence of his loving wife and son. Dennis E. Davis was subsequently interred in the Donel C. Kinnard Memorial State Veterans Cemetery; and

Whereas, It is fitting that an enduring memorial be established to commemorate the achievements and contributions of Dennis E. Davis to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the West Virginia Department of Veterans Assistance name the new veterans' nursing home, to be built in Beckley, the "Dennis E. Davis Veterans Nursing Home"; and, be it

*Further Resolved,* That the Department of Veterans' Assistance is hereby requested to have made and be placed signs identifying the facility as the "Dennis E. Davis Veterans Nursing Home"; and, be it

*Further Resolved,* That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the acting Secretary of the West Virginia Department of Veterans Assistance and the Commissioner of the Division of Highways.

And,

**Senate Concurrent Resolution 13**, US Army PFC Joseph Stanley McKinney Memorial Bridge.

And reports back a committee substitute for same as follows:

**Com. Sub. for Senate Concurrent Resolution 13** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name the bridge at coordinates 37.501667, -81.336111, carrying WV 10 over Noseman Branch in Wyoming County, the "U. S. Army PFC Joseph Stanley McKinney Memorial Bridge".

Whereas, Joseph Stanley McKinney was born July 20, 1947, in Wyoming County, West Virginia; and

Whereas, Joseph Stanley McKinney graduated from Herndon High School in 1966; and



Whereas, PFC Joseph Stanley McKinney entered the U. S. Army during the Vietnam War as a member of the 4th Infantry Division, 12th Infantry, 3rd Battalion; and

Whereas, PFC Joseph Stanley McKinney was killed in action on January 23, 1968, in the Kontum Province of Vietnam during the Tet Offensive; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army PFC Joseph Stanley McKinney and his ultimate sacrifice to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the bridge at coordinates 37.501667, -81.336111, carrying WV 10 over Noseman Branch in Wyoming County, the "U. S. Army PFC Joseph Stanley McKinney 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 "U. S. Army PFC Joseph Stanley McKinney 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.

With the recommendation that the two committee substitutes be adopted.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

At the request of Senator Takubo, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate then 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 Tarr:**

**Senate Bill 487**—A Bill to amend and reenact §11B-2-20 of the Code of West Virginia, 1931, as amended, relating to combining the totals of the Revenue Shortfall Reserve Fund and Revenue Shortfall Reserve Fund – Part B when determining surplus deposit eligibility; limiting the amount of surplus deposited into the Revenue Shortfall Reserve Fund; and providing for an effective date.

Referred to the Committee on Finance.

**By Senators Hamilton, Brown, Caputo, Grady, Plymale, Romano, Stover, and Woelfel:**

**Senate Bill 488**—A Bill to amend and reenact §3-2-2 of the Code of West Virginia, 1931, as amended, relating to formerly incarcerated individuals voting rights by eliminating restrictions to voting rights for once an individual is released from incarceration through probation, parole, or completion of a sentence.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 489**—A Bill to amend and reenact §7-14-17c of the Code of West Virginia, 1931, as amended, relating to clarifying the amount of a deputy sheriff's annual salary increase for subsequent years of service.

Referred to the Committee on Government Organization.

**By Senator Lindsay:**

**Senate Bill 490**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-3F-1, §61-3F-2, and §61-3F-3, all relating to online privacy protection for children; prohibiting the marketing or advertising of certain products or services to minors; specifying prohibited good and services; prohibiting the collection of information about minor

users for marketing purposes; requiring operators of website, online services, or applications to remove personal information about a minor when the information is visible to others; and specifying limited exceptions.

Referred to the Committee on the Judiciary.

**By Senator Lindsay:**

**Senate Bill 491**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2P-1, §16-2P-2, §16-2P-3, §16-2P-4, §16-2P-5, §16-2P-6, §16-2P-7, §16-2P-8, §16-2P-9, §16-2P-10, §16-2P-11, §16-2P-12, §16-2P-13, §16-2P-14, §16-2P-15, §16-2P-16, §16-2P-17, §16-2P-18, §16-2P-19, and §16-2P-20, all relating to establishing the Family and Medical Leave Insurance Benefits Act; defining terms; detailing eligibility requirements; declaring the duration of benefits authorized by the article; noting the amount of benefits; specifying contributions; setting certain requirements and entitlements under the article; protecting against certain adverse action for exercising certain rights under the article; prohibiting retaliation or discrimination under the article; declaring the article to run concurrently with other leave-related laws; requiring employers to provide certain notice; detailing the process for enforcing the article; addressing erroneous payments and disqualification; permitting self-employed persons to elect coverage with certain requirements; requiring the Insurance Commissioner to establish the Family and Medical Leave Insurance Program; requiring certain disclosures related to federal income tax; creating the Family and Medical Leave Insurance Account Fund; authorizing certain expenditures from the fund and investments of the fund; requiring annual reports to the Legislature; requiring the Insurance Commissioner to implement a public education program; encouraging the Insurance Commissioner to use state data collection and technology to integrate the program with other state policies; authorizing legislative rules by a certain date; and setting an internal effective date.

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

**By Senators Azinger and Boley:**

**Senate Bill 492**—A Bill to amend and reenact §17-16D-11 of the Code of West Virginia, 1931, as amended, relating to the electronic collection of tolls; and providing that nonrenewal of vehicle registration provisions shall become effective whenever a reciprocal enforcement agreement is entered into by the West Virginia Parkways Authority, the Commissioner of Motor Vehicles, and any state sharing a common border with this state.

Referred to the Committee on Government Organization.

Senator Grady offered the following resolution:

**Senate Concurrent Resolution 22**—Requesting the Division of Highways name bridge number 27-40-6.15 (27A120), locally known as Upper Ninemile Bridge 6.15, carrying County Route 40 over Upper Ninemile Creek in Mason County, the "U.S. Army PFC Clifford O. Eckard Memorial Bridge".

Whereas, Clifford O. Eckard was born April 13, 1911, in Southside, Mason County, West Virginia; and

Whereas, PFC Clifford O. Eckard enlisted in the Army to serve his country and state during World War II; and

Whereas, PFC Clifford O. Eckard was assigned to the 82nd Airborne Division, H.Q.C.O 319th Glider FA BN during his time of service during World War II; and

Whereas, PFC Clifford O. Eckard passed away on June 7, 1988, as a World War II veteran who bravely defended his country and state during World War II; and

Whereas, It is fitting that an enduring memorial be established to commemorate PFC Clifford O. Eckard and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 27-40-6.15 (27A120), locally known as Upper Ninemile Bridge 6.15, carrying County Route 40 over Upper Ninemile Creek in Mason County, the "U.S. Army PFC Clifford O. Eckard 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 "U.S. Army PFC Clifford O. Eckard 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 Stollings offered the following resolution:

**Senate Concurrent Resolution 23**—Requesting the Division of Highways name bridge number 22-007/00-021.18 (22A153), (38.22218, -82.11335) locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the "U.S. Marine Corps CPL Guy Maywood Edwards Memorial Bridge".

Whereas, Guy Maywood Edwards was born on September 13, 1918, in Myra, West Virginia, to Hiram Otho Edwards and Elmyra Elizabeth Porter Edwards; and

Whereas, CPL Guy Maywood Edwards graduated from Hamlin High School, and enlisted in the Marines during the winter of 1942; and

Whereas, CPL Guy Maywood Edwards was serving with the Fourth Division of the Marines and despite having been wounded in October 1944, on Saipan in the Marina Islands, he landed on Iwo Jima on February 20, 1945, ready for duty. CPL Guy Maywood Edwards was killed in action six days later on February 26, 1945; and

Whereas, Corporal Edwards' brother, PFC Donald Edwards was also serving in the Fourth Marine Division on Iwo Jima and was wounded on February 28, 1945; and

Whereas, It is fitting that an enduring memorial be established to commemorate right CPL Guy Maywood Edwards and his sacrifice to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 22-007/00-021.18 (22A153), (38.22218, - 82.11335) locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the "U.S. Marine Corps CPL Guy Maywood Edwards 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 "U.S. Marine Corps CPL Guy Maywood Edwards 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 Stollings offered the following resolution:

**Senate Concurrent Resolution 24**—Requesting the Division of Highways name a portion of Route 85, beginning at the southern end of Dunlap Brothers Road at Uneeda and ending one-mile south near Quinland in Madison County, as the "U.S. Marine Corps CPL Roger Lee Boothe Memorial Road."

Whereas, Roger Lee Boothe was born in Logan County on August 20, 1947, and moved to Uneeda in Boone County at the age of three and was raised there; and

Whereas, CPL Roger Lee Boothe graduated from Scott High School and at age 18 he entered the Marine Corps; and

Whereas, While at Quang Tri, Vietnam with only eight days left until his deployment home, the bunker to which CPL Roger Lee Boothe was assigned was shelled, leaving him paralyzed from the waist down; and

Whereas, When CPL Roger Lee Boothe returned home, he enrolled at the West Virginia Rehab Center, studied accounting, and played on their wheelchair basketball team; and

Whereas, CPL Roger Lee Boothe went on to earn a chemistry degree from West Virginia State University, and then to West Virginia University where he successfully completed their Pharmacy Program; and

Whereas, CPL Roger Lee Boothe returned to Uneda to help his mother who was ill, and also opened a pharmacy there in 1976 to help his community; and

Whereas, CPL Roger Lee Boothe was always a guiding light for his community who never turned down the opportunity to help someone in need, whether it was loaning money for food, medicine, or just being there to listen when someone was going through a difficult time; and

Whereas, CPL Roger Lee Boothe always had an interest in sports, he played basketball and baseball as a left-handed pitcher in high school; and

Whereas, Later, CPL Roger Lee Boothe played wheelchair basketball, participated in the Charleston Distance Run, and supported athletic teams in Madison County and the surrounding areas; and

Whereas, CPL Roger Lee Boothe also became interested in flying, learned to fly ultralight planes, and even built his own airplane where he customized it with hand controls; and

Whereas, CPL Roger Lee Boothe has selflessly helped several students get their college degrees and much more; and

Whereas, CPL Roger Lee Boothe was a very humble, private person, and he did not speak of his many outreach and assistance efforts on his own, this information was gathered by family and friends who love and appreciate him; and

Whereas, Sadly, on Sunday, August 11, 2019, CPL Roger Lee Boothe passed away. He was preceded in death by his parents, Bill and Mary (Green) Boothe; his brother, Ralph; his sister, RoseMary (Boothe) McCray; and nephew, Bill Church; and

Whereas, CPL Roger Lee Boothe is survived by his companion and love of his life of 25 years, Nada Baldwin; his brother, Dale Boothe; sister, Rita Boothe Church; nieces, Wendy Miller, London Gibson and Dee-Dee Seagraves; nephews, Tom, Jim, and Joe Boothe; a special friend, Brock Loftis; a special granddaughter, Brittany Baldwin; and a 12-year-old granddaughter, Azriella Baldwin; and

Whereas, It is fitting that an enduring memorial be established to commemorate CPL Roger Lee Boothe and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion Route 85, beginning at the southern end of Dunlap Brothers Road at Uneeda and ending one-mile south near Quinland in Madison County, the "U.S. Marine Corps CPL Roger Lee Boothe Memorial Road"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "U.S. Marine Corps CPL Roger Lee Boothe Memorial Road"; and, be it

*Further Resolved*, That the Clerk of the West Virginia 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.



The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 19**, US Army PVT Thomas D. Beckett, Sr., Memorial Bridge.

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

**Senate Concurrent Resolution 20**, US Air Force LT COL Robert J. Hill Memorial Road.

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

**Senate Concurrent Resolution 21**, Putnam County Veterans Memorial Bridge.

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

**Senate Resolution 14**, Congratulating George Washington High School Patriots golf team for winning 2021 Class AAA State Championship.

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

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

The Senate proceeded to the eighth order of business.

**Eng. Senate Bill 1**, Creating Mining Mutual Insurance Company.

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

(Senator Weld in the Chair.)

Pending discussion,

The question being "Shall Engrossed Senate Bill 1 pass?"

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

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

The nays were: None.

Absent: Rucker 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. 1) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Rucker 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. S. B. 1) takes effect from passage.

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Blair (Mr. President) regarding the passage of Engrossed Senate Bill 1 were ordered printed in the Appendix to the Journal.

**Eng. Com. Sub. for Senate Bill 334**, Authorizing miscellaneous agencies and boards to promulgate rules.

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

Senator Woodrum requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he is a licensed funeral director and Engrossed Committee Substitute for Senate Bill 334 deals with licensing fees for funeral directors.

The Chair replied that any impact on Senator Woodrum would be as a member of a class of persons and that he would be required to vote.

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

The nays were: None.

Absent: Rucker 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. 334) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney (by proxy), Martin, Maynard,

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

The nays were: None.

Absent: Rucker 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. 334) takes effect from passage.

*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 417**, Relating to authorized expenditures of revenues from certain state funds for fire departments.

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

The nays were: None.

Absent: Rucker 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. 417) 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 427**, Permitting WV Board of Medicine investigators to carry concealed weapon.

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

The nays were: None.

Absent: Rucker 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. 427) 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 436**, Correcting code citation for authority of State Fire Marshal.

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

The nays were: None.

Absent: Rucker 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. 436) passed with its title.

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

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 246,** Requiring newly constructed public schools and public schools with major improvements to have water bottle filling stations.

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

**Com. Sub. for Com. Sub. for Senate Bill 262,** Relating generally to financial institutions engaged in boycotts of energy companies.

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 437,** Providing for early discharge of parolees.

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 431,** Relating generally to Uniform Controlled Substances Act.

**Senate Bill 435,** Awarding service weapon to retiree from Division of Protective Services.

And,

**Com. Sub. for Senate Bill 449,** Relating to Nonviolent Offense Parole Program.

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 Tarr.

The Senate next 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 January 25, 2022:

**Senate Bill 192:** Senator Romano.

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 January 25, 2022:

**Senate Bill 23:** Senator Martin;

**Senate Bill 32:** Senator Romano;

**Senate Bill 33:** Senator Romano;

**Senate Bill 51:** Senator Romano;

**Senate Bill 56:** Senator Romano;

**Senate Bill 64:** Senator Romano;

**Senate Bill 78:** Senator Romano;

**Senate Bill 122:** Senator Romano;

**Senate Bill 128:** Senator Romano;

**Senate Bill 150:** Senator Romano;

**Senate Bill 151:** Senator Jeffries;

**Senate Bill 152:** Senator Romano;

**Senate Bill 164:** Senator Romano;

- Senate Bill 167:** Senator Romano;
- Senate Bill 168:** Senator Romano;
- Senate Bill 169:** Senator Romano;
- Senate Bill 174:** Senator Romano;
- Senate Bill 175:** Senator Romano;
- Senate Bill 192:** Senator Jeffries;
- Senate Bill 199:** Senator Romano;
- Senate Bill 206:** Senator Romano;
- Senate Bill 207:** Senator Romano;
- Senate Bill 219:** Senators Plymale and Stollings;
- Senate Bill 240:** Senator Romano;
- Senate Bill 243:** Senator Romano;
- Senate Bill 248:** Senator Romano;
- Senate Bill 257:** Senators Romano and Stollings;
- Senate Bill 269:** Senator Romano;
- Senate Bill 270:** Senator Romano;
- Senate Bill 413:** Senator Romano;
- Senate Bill 432:** Senators Romano and Baldwin;
- Senate Bill 435:** Senator Caputo;
- Senate Bill 447:** Senator Romano;
- Senate Bill 457:** Senator Romano;
- Senate Bill 465:** Senator Romano;



**Senate Bill 468:** Senator Martin;

**Senate Bill 469:** Senator Romano;

**Senate Bill 477:** Senator Weld;

**Senate Bill 480:** Senator Clements;

**Senate Bill 481:** Senators Caputo and Stollings;

**Senate Bill 482:** Senator Clements;

**Senate Bill 483:** Senators Romano, Woelfel, Lindsay, and Caputo;

**Senate Bill 485:** Senators Romano, Smith, Lindsay, and Stollings;

**Senate Bill 486:** Senator Caputo;

**Senate Joint Resolution 1:** Senator Romano;

**Senate Joint Resolution 3:** Senators Romano and Martin;

**Senate Joint Resolution 4:** Senators Romano and Martin;

**Senate Joint Resolution 5:** Senators Romano and Woelfel;

**Senate Joint Resolution 6:** Senators Romano and Martin;

**Senate Joint Resolution 7:** Senators Romano and Stollings;

**Senate Concurrent Resolution 7:** Senator Martin;

**Senate Concurrent Resolution 9:** Senator Maynard;

**Senate Concurrent Resolution 11:** Senators Maynard and Jeffries;

**Senate Concurrent Resolution 13:** Senator Jeffries;

**Senate Concurrent Resolution 15:** Senator Maynard;

**Senate Concurrent Resolution 19:** Senator Phillips;

**Senate Concurrent Resolution 20:** Senator Phillips;

**Senate Concurrent Resolution 21:** Senators Lindsay and Stollings;

**Senate Resolution 4:** Senator Martin;

**Senate Resolution 13:** Senator Romano;

And,

**Senate Resolution 14:** Senator Phillips.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:53 a.m., the Senate adjourned until tomorrow, Thursday, January 27, 2022, at 11 a.m.

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## THURSDAY, JANUARY 27, 2022

The Senate met at 11:02 a.m.

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

Prayer was offered by the Reverend Dick Corbin, Director of Church Relations, Union Mission of 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 Wednesday, January 26, 2022,

At the request of Senator Boley, 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.

Senator Blair (Mr. President) announced that, under the provisions of Senate Resolution 10 (*Adopting special rule of order relating to COVID-19 pandemic*) adopted January 18, 2022, the following senators had been approved to vote by proxy:

Senator Maroney, and that Senator Takubo had been designated to vote on his behalf;

And,

Senator Rucker, and that Senator Takubo had been designated to vote on her behalf.

The Senate 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 4252**—A Bill to amend and reenact §33-59-1 of the Code of West Virginia, 1931, as amended, relating to diabetes; reducing copayments; adding coverage for devices; permitting testing equipment to be purchased without a prescription.

Referred to the Committee on Health and Human Resources.

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

**Eng. Com. Sub. for House Bill 4276**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5DD-1, all relating to the collection of data relating to Parkinson's Disease; providing for definitions; providing a notice requirement; allowing for West Virginia University to enter into agreements regarding this data collection; and allowing for the maintaining of certain records.

Referred to the Committee on Health and Human Resources.

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

**House Concurrent Resolution 27**—Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor.

WHEREAS, His Excellency, the Governor, has advised that he will be pleased to address a Joint Assembly of the Senate and House of Delegates at the convenience of the two houses; therefore, be it

*Resolved by the Legislature of West Virginia:*

That His Excellency, the Governor, be hereby invited to address a Joint Assembly of the Legislature at 7:00 p.m., January 27, 2022; and, be it

*Further Resolved*, That the President of the Senate and the Speaker of the House of Delegates appoint three members of each of the respective houses of the Legislature as a committee to wait upon His Excellency, the Governor, and escort him into the Hall of the House of Delegates at the time herein appointed for hearing the address.

The message further announced the appointment of the following committee on the part of the House of Delegates:

Delegates Westfall, Tully, and Boggs.

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

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

Whereupon, the President appointed as Senate members of such committee, authorized by the foregoing resolution, the following:

Senators Boley, Takubo, and Plymale.

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

The Senate proceeded to the fourth order of business.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 5**, Creating WV Unmanned Aircraft Systems Advisory Council.

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

**Com. Sub. for Senate Bill 5** (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-18; to amend said code by adding thereto a new section, designated §5B-2-18a; to amend and reenact §17-2A-19a of said code; and to amend and reenact §61-16-2 of said code, all relating generally to unmanned aircraft systems; establishing the West Virginia Unmanned Aircraft Systems Advisory Council; requiring all operators of unmanned aircraft systems to comply with Federal Aviation Administration regulations; recognizing ownership of certain airspace above lands and waters of the state; clarifying the ability of the state Division of Highways to sell unused airspace to multiple bidders; clarifying the ability of a county or municipality to lease space above a public road under its control; and including private business owners and industrial facilities as entities protected by criminal statute relating to prohibited uses of unmanned aircraft systems.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Chandler Swope,  
*Chair.*

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

**Senate Bill 126**, Expanding types of agricultural operations that are protected from nuisance and other legal actions.

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

**Com. Sub. for Senate Bill 126** (originating in the Committee on Agriculture and Rural Development)—A Bill to amend and reenact §19-19-2 and §19-19-7 of the Code of West Virginia, 1931, as amended, all relating to the right to farm; expanding definition of agriculture and agricultural operation; adding definitions for aquaponics, garden, hydroponics, and urban agriculture; expanding protection of agricultural operations from nuisance and other legal actions to include aquaponics, hydroponics, and urban agriculture practices; requiring compliance with local laws, regulations, permits, and ordinances for protection from nuisance and other legal actions to apply; eliminating language that prohibits application of municipal requirements to agricultural operations located outside a municipality's corporate boundaries; and making technical changes.

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

Respectfully submitted,

Dave Sypolt,  
*Chair.*

The bill (Com. Sub. for S. B. 126), under the original double committee reference, was then referred to the Committee on the Judiciary.

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 264**, Relating to conservation districts law of WV.

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

**Com. Sub. for Senate Bill 264** (originating in the Committee on Natural Resources)—A Bill to amend and reenact §19-21A-1, §19-21A-2, §19-21A-3, §19-21A-4, §19-21A-6, and §19-21A-8 of the Code of West Virginia, 1931, as amended, all relating to conservation districts; providing for a short title of the article to be known as the Conservation Districts Law of West Virginia; restating legislative determinations and declaration of policy in clear and concise language; adding definition for "Urban Agriculture"; conferring additional powers and duties upon State Conservation Committee; providing for term of office of district supervisor to begin on July 1, immediately following primary election; providing procedure to fill office of district supervisor if no candidate seeks office; modifying candidate qualifications for election of district supervisor; modifying process for filling vacancies in office of district supervisor; and conferring additional powers and duties upon conservation districts and supervisors.

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,

Bill Hamilton,  
*Chair.*

The bill (Com. Sub. for S. B. 264), under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

**Senate Bill 270**, Relating to employment benefits for public safety personnel.

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

**Com. Sub. for Senate Bill 270** (originating in the Committee on Pensions)—A Bill to amend and reenact §5-10-2 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto four new sections, designated §5-10-25a, §5-10-25b, §5-10-25c, and §5-10-25d, all relating to updating definitions of the West Virginia Public Employees Retirement Act; providing benefits for law enforcement, public safety, and rescue personnel for total disability and death resulting from their covered employment; providing awards and benefits to surviving spouses of law enforcement, public safety, and rescue personnel when a member dies in performance of duty; providing for additional death benefits and scholarships; clarifying dependent children of law enforcement, public safety, and rescue personnel; and providing for burial benefits for law enforcement, public safety, and rescue personnel.

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,

Eric Nelson, Jr.,  
*Chair.*



The bill (Com. Sub. for S. B. 270), under the original double committee reference, was then referred to the Committee on Finance.

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 439**, Adopting Revised Uniform Athlete Agents Act of 2015.

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

**Com. Sub. for Senate Bill 439** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §30-39-1, §30-39-2, §30-39-3, §30-39-4, §30-39-5, §30-39-6, §30-39-7, §30-39-9, §30-39-10, §30-39-11, §30-39-12, §30-39-13, §30-39-14, §30-39-15, §30-39-16, §30-39-19, and §30-39-21 of the Code of West Virginia, 1931, as amended, all relating to adopting the Revised Uniform Athlete Agents Act of 2015; modifying short title; defining terms; granting legislative rule-making authority to the Secretary of State; establishing seven-day limit on athlete agent to register; requiring additional information from applicant in registration process; eliminating language making applications or renewals for athlete agent registration public records; providing for reciprocal registration; updating required contents of reciprocal registration application; requiring Secretary of State issue reciprocal license if certain criteria satisfied; requiring Secretary of State cooperate with certain national organizations; allowing the Secretary of State to consider whether the athlete agent has pled guilty in decision to issue registration; providing requirements for reciprocal renewals of registration; providing Secretary of State authority to suspend or revoke registration for same reasons as would justify refusal to issue certificate of registration; permitting applicant to appeal adverse decision of Secretary of State; authorizing Secretary of State promulgate procedural rules to implement appeal procedures; increasing fees for initial license and renewal; adding required contract terms; requiring certain notices

by athlete agent to educational institutions; requiring educational institution notify Secretary of State and others if it becomes aware of violation of article by athlete agent; allowing parent and guardian of student athlete ability to cancel contract; requiring athlete agent to create certain records; expanding scope of what constitutes prohibited conduct under the act; expanding scope of who might engage in prohibited conduct under the act; expanding scope of who can be charged with a criminal violation of the act; enabling student athletes to bring civil action for act or omission of athlete agent; expanding scope of damages that may be available in civil action; making a civil violation an unfair trade practice under West Virginia law; establishing relation to the Electronic Signatures in Global and National Commerce Act; and modifying effective date.

**Senate Bill 452**, Permitting civil remedies for unauthorized disclosure of intimate images.

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

**Com. Sub. for Senate Bill 452** (originating in the Committee on the Judiciary)—A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-20-1, §55-20-2, §55-20-3, §55-20-4, §55-20-5, §55-20-6, §55-20-7, §55-20-8, §55-20-9, and §55-20-10, all relating to permitting civil remedies for the unauthorized disclosure of intimate images; providing for a short title; defining terms; providing for a civil action; providing exceptions to liability; providing for plaintiff's privacy; providing for remedies; creating a statute of limitations; providing for construction; providing for uniformity of application and construction; and addressing effective date.

And,

**Senate Bill 453**, Establishing uniform requirements for restrictive employment agreements.

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

**Com. Sub. for Senate Bill 453** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-29-1, §47-29-2, §47-29-3, §47-29-4, §47-29-5, §47-29-6, §47-29-7, §47-29-8, §47-29-9, §47-29-10, §47-29-11, §47-29-12, §47-29-13, §47-29-14, §47-29-15, §47-29-16, §47-29-17, §47-29-18, §47-29-19, and §47-29-20, all relating to establishing uniform requirements for restrictive employment agreements; providing for civil penalties for violation of the article; providing a short title; defining terms; creating the scope of the article; providing for notice requirements; defining low-wage workers; defining the effect of termination of work; creating a reasonableness requirement; defining the terms of a noncompete agreement; detailing the confidentiality agreement; providing for a no-business agreement; creating a nonsolicitation agreement; defining a no-recruit agreement; defining a payment-for-competition agreement; defining a training-repayment agreement; providing for nonwaivability; providing for enforcement and remedy; providing for choice of law and venue; providing for uniformity of application and construction; and providing a transitional provision.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 440**, Establishing Uniform Commercial Real Estate Receivership Act.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

**Senate Bill 442**, Relating to WV Public Employee Retirement System.

And,

**Senate Bill 443**, Including police and firefighter as electors of trustees for certain pension funds.

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

Respectfully submitted,

Eric Nelson, Jr.,  
*Chair.*

The bills, under the original double committee references, were then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

**Senate Bill 450**, Updating definitions of WV Personal Income Tax Act.

And,

**Senate Bill 451**, Updating definitions of WV Corporation Net Income Tax Act.

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

Respectfully submitted,

Eric J. Tarr,  
*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 Roberts, Azinger, Boley, Grady, Karnes, Maynard, Phillips, Smith, Sypolt, Tarr, Trump, and Woodrum:**

**Senate Bill 493**—A Bill to amend and reenact §18-5-4 of the Code of West Virginia, 1931, as amended, relating to requiring each county board of education to ensure that all of its meetings are open to the public through in-person attendance and that the audio and video of its meetings are broadcast live to the public through an internet link on its website, and recorded with a link to the recording also available through an internet link on its website; providing exception for executive session; allowing each county board to make and enforce reasonable rules for attendance and presentation at any meeting where there is not room enough for all members of the public who wish to attend; requiring adoption of procedures to ensure delegations and speakers are treated equally; and requiring the county board to ensure that any person expressing an interest in speaking has the opportunity in compliance with adopted procedures.

Referred to the Committee on Education.

**By Senator Plymale:**

**Senate Bill 494**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31G-1A-8, relating to creating the Broadband Carrier Neutral and Open Access Infrastructure Development Fund; providing for the administration of the fund, sources of funding for the fund, and the

purposes for expenditures from the fund; and authorizing expenditures from the fund from collections and pursuant to legislative appropriations.

Referred to the Committee on Finance.

**By Senator Azinger:**

**Senate Bill 495**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-6d, relating to requiring that all graduating seniors in West Virginia pledge an oath to uphold the Constitution of the United States of America as a condition of graduation.

Referred to the Committee on Education.

**By Senator Swope:**

**Senate Bill 496**—A Bill to amend and reenact §31-15A-10 and §31-15A-17c of the Code of West Virginia, 1931, as amended, all relating to permissible expenditures by the Water Development Authority from the Infrastructure Fund; permitting grants to a project sponsor with less than 1,500 customers of up to 100 percent of the total cost of the project; and allowing the authority to grant infrastructure grant money from the Critical Needs and Failing Systems Sub Account to certain projects for the upgrading of a water facility or wastewater facility to reduce maintenance costs, operations costs, or waterline leakages.

Referred to the Committee on Finance.

Senator Grady offered the following resolution:

**Senate Resolution 15**—Designating January 28, 2022, as Women's and Girls' Day at the Legislature.

Whereas, The West Virginia Women's Commission promotes the status and empowerment of all West Virginia women through advocacy, research, education, and consensus building; and

Whereas, The West Virginia Women's Commission strives to elevate the power and potential of West Virginia women and girls to thrive and have economic, political, educational, and social

equality to ensure their full participation in society and to recognize their achievements; and

Whereas, In their roles as individuals, workers, military personnel, mothers, daughters, sisters, wives, friends, caretakers, activists, and volunteers, women make significant contributions to West Virginia's economy, families, communities, and general well-being; and

Whereas, The West Virginia Women's Commission has continued its history of honoring women across the state through programs such as celebrating the Legacy of Women Awards, educating women and legislators during their annual Women's and Girls' Day at the Legislature. The annual policy statements highlights legislation of the importance to women and families, raising awareness on Equal Pay Day of how far into the year women must work to earn what men earned in the previous year, and celebrating a woman's right to vote on Women's Equality Day; and

Whereas, The West Virginia Women's Commission recognizes our changing world includes a worldwide health crisis and increased efforts toward diversity, inclusion, and equality. Therefore, giving rise to the theme for the 2022 Women's and Girls' Day at the Legislature, "Being Present. A Call to Action: Expanding Our View of Normal" which focuses on five public policy pillars—child well-being, education, domestic violence prevention, economic empowerment and health; and

Whereas, West Virginia citizens are proud of the accomplishments and achievements of women of every race, age, class, identity, ability, and ethnic background in our state, both in the private and public sectors. Many appreciate their contributions to our communities as they continue to advance in leadership roles, not only in West Virginia but throughout our nation and the world; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates January 28, 2022, as Women's and Girls' Day at the Legislature; and, be it

*Further Resolved*, That the Senate expresses its sincere appreciation to women for the many contributions they make to the state of West Virginia in all facets of our society; and, be it

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

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 9**, Haynie Family Veterans Memorial Bridge.

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

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

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

**Com. Sub. for Senate Concurrent Resolution 11**, Dennis E. Davis Veterans Nursing Home.

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

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

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

**Com. Sub. for Senate Concurrent Resolution 13**, US Army PFC Joseph Stanley McKinney Memorial Bridge.

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



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

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

At the request of Senator Plymale, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the seventh order of business.

**Senate Concurrent Resolution 15**, US Army PVT Shirley E. Bailey Memorial Bridge.

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

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

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

**Senate Concurrent Resolution 22**, US Army PFC Clifford O. Eckard Memorial Bridge.

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

**Senate Concurrent Resolution 23**, USMC CPL Guy Maywood Edwards Memorial Bridge.

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

**Senate Concurrent Resolution 24**, USMC CPL Roger Lee Boothe Memorial Road.

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

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 246**, Requiring newly constructed public schools and public schools with major improvements to have water bottle filling stations.

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 Com. Sub. for Senate Bill 262**, Relating generally to financial institutions engaged in boycotts of energy companies.

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

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 262 pass?"

Senators Trump, Nelson, and Smith, respectively, requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Trump, Nelson, and Smith would be as members of a class of persons and that they would be required to vote.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney (by proxy), Martin, Maynard, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith,

Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Brown and Nelson—2.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 262) passed with its title.

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Tarr, Nelson, Maynard, Smith, Karnes, Phillips, and Caputo regarding the passage of Engrossed Committee Substitute for Committee Substitute for Senate Bill 262 were ordered printed in the Appendix to the Journal.

At the request of Senator Plymale, unanimous consent being granted, the remarks by Senator Brown regarding the passage of Engrossed Committee Substitute for Committee Substitute for Senate Bill 262 were ordered printed in the Appendix to the Journal.

**Eng. Com. Sub. for Senate Bill 437**, Providing for early discharge of parolees.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney (by proxy), Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 437) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Stover—1.

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. 437) takes effect from passage.

*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 431**, Relating generally to Uniform Controlled Substances Act.

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

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

On page one, section four hundred sixteen, lines fourteen through seventeen, by striking out all of subsection (c) and inserting in lieu thereof a new subsection (c) to read as follows:

(c) As used in this section:

(1) The phrase "engaged in the illegal use of a controlled substance with another person" means being in the physical presence of a person engaged in illegal drug use and participating with him or her in illegal drug use, or knowingly facilitating illegal drug abuse by the other person so engaged.

(2) "Seek medical assistance" means contacting the 9-1-1 emergency system, a poison control facility, any type of first responder, a medical facility or medical professional capable of treating an overdose and in the case of an opioid overdose to administer or cause the administration of a commercially produced and medically recognized opioid antagonist.

The bill (Com. Sub. for S. B. 431), as amended, was then ordered to engrossment and third reading.

At the request of Senator Woelfel, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

Thereafter, at the request of Senator Lindsay, and by unanimous consent, the remarks by Senator Woelfel as to the introduction of striking workers from Special Metals in Huntington, West Virginia, were ordered printed in the Appendix to the Journal.

The Senate again proceeded to the ninth order of business and resumed consideration of the remainder of its second reading calendar, the next bill coming up in numerical sequence being

**Senate Bill 435**, Awarding service weapon to retiree from Division of Protective Services.

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 449**, Relating to Nonviolent Offense Parole Program.

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 151**, Creating license plate recognizing linemen.

**Com. Sub. for Senate Bill 192**, Establishing Civil Air Patrol license plate.

**Com. Sub. for Senate Bill 261**, Requiring video cameras in certain special education classrooms.

**Com. Sub. for Senate Bill 279**, Authorizing DEP to promulgate legislative rules.

And,

**Com. Sub. for Senate Bill 441**, Providing confidentiality of video and other records of correctional juvenile facilities.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Caputo, Sypolt, and Beach.

At the request of Senator Sypolt, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of the passing of Private First-Class Zachary Wayne Riffle, a marine who was killed in a tactical vehicle rollover accident on January 19, 2022.

At the request of Senator Beach, and by unanimous consent, the Senate then stood in observance of a moment of silence in recognition of the lives lost during the Holocaust on International Holocaust Remembrance Day.

At the request of Senator Lindsay, and by unanimous consent, the remarks by Senators Caputo and Sypolt were ordered printed in the Appendix to the Journal.

At the request of Senator Woelfel, unanimous consent being granted, the remarks by Senator Beach 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 removed as co-sponsors of the following bills on January 26, 2022:

**Senate Bill 483:** Senator Lindsay;

And,

**Senate Bill 485:** Senators Martin, Hamilton, and Stollings.

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 January 26, 2022:

**Senate Bill 126:** Senators Rucker, Maynard, and Baldwin;

**Senate Bill 134:** Senator Takubo;

**Senate Bill 154:** Senator Takubo;

**Senate Bill 182:** Senator Grady;

**Senate Bill 206:** Senator Jeffries;

**Senate Bill 207:** Senator Jeffries;

**Senate Bill 218:** Senator Rucker;

**Com. Sub. for Senate Bill 219:** Senators Rucker and Jeffries;

**Senate Bill 225:** Senator Takubo;

**Senate Bill 231:** Senators Jeffries, Stollings, and Woelfel;

**Senate Bill 233:** Senators Jeffries and Woelfel;

**Senate Bill 238:** Senator Woelfel;

- Senate Bill 242:** Senator Baldwin;
- Senate Bill 243:** Senator Woelfel;
- Senate Bill 245:** Senator Woelfel;
- Senate Bill 247:** Senator Takubo;
- Senate Bill 270:** Senator Rucker;
- Senate Bill 273:** Senator Woelfel;
- Senate Bill 274:** Senator Woelfel;
- Senate Bill 413:** Senators Rucker and Takubo;
- Senate Bill 432:** Senator Sypolt;
- Senate Bill 452:** Senator Grady;
- Senate Bill 469:** Senators Martin and Woelfel;
- Senate Bill 470:** Senator Roberts;
- Senate Bill 481:** Senator Lindsay;
- Senate Bill 487:** Senators Clements and Roberts;
- Senate Bill 488:** Senators Baldwin, Lindsay, and Stollings;
- Senate Bill 489:** Senators Baldwin, Stollings, and Phillips;
- Senate Bill 490:** Senators Baldwin, Grady, and Stollings;
- Senate Bill 491:** Senator Stollings;
- Senate Bill 492:** Senator Clements;
- Senate Joint Resolution 4:** Senator Rucker;
- Senate Joint Resolution 6:** Senator Rucker;
- Senate Concurrent Resolution 22:** Senator Stollings;



**Senate Concurrent Resolution 23:** Senator Phillips;

And,

**Senate Concurrent Resolution 24:** Senator Phillips.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:05 p.m., the Senate adjourned until tomorrow, Friday, January 28, 2022, at 9 a.m.

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At the time set for the joint assembly to hear the address of His Excellency, the Governor (under the provisions of H. C. R. 27, previously adopted by the Senate),

Members of the Senate repaired in a body to the hall of the House of Delegates.

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(NOTE: For formal procedure in the joint assembly and the address of His Excellency, the Governor, the Honorable Jim Justice, see the Journal of the House of Delegates for this day.)

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FRIDAY, JANUARY 28, 2022

The Senate met at 9:01 a.m.

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

Prayer was offered by the Honorable Mark R. Maynard, a senator from the sixth district.

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

Pending the reading of the Journal of Thursday, January 27, 2022,

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.

Senator Blair (Mr. President) announced that, under the provisions of Senate Resolution 10 (*Adopting special rule of order relating to COVID-19 pandemic*) adopted January 18, 2022, the following senator had been approved to vote by proxy:

Senator Maroney, and that Senator Takubo had been designated to vote on his behalf.

The Senate proceeded to the fourth order of business.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 28th day of January, 2022, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**(S. B. 8)**, Relating generally to state's savings and investment programs.

And,

**(S. B. 191)**, Allowing poll workers to work full and half days.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Dean Jeffries,  
*Chair, House Committee.*

Senator Grady, 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 111**, Increasing minimum salaries for Bureau for Child Support Enforcement attorneys.

And,

**Senate Bill 120**, Establishing tax credit for certain physicians who locate to practice in WV.

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

Respectfully submitted,

Amy N. Grady,  
*Vice Chair.*

The bills, under the original double committee references, were then referred to the Committee on Finance.

Senator Grady, 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 138**, Relating to Board of Medicine composition.

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

**Com. Sub. for Senate Bill 138** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §30-3-5 of the Code of West Virginia, 1931, as amended, relating to West Virginia Board of Medicine composition; decreasing the

number of board members; and removing a podiatric position from the board.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Amy N. Grady,  
*Vice Chair.*

Senator Grady, 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 139**, Prohibiting smoking in vehicle when minor 16 or younger is present.

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 the Judiciary.

Respectfully submitted,

Amy N. Grady,  
*Vice Chair.*

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

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

Your Committee on Education has had under consideration

**Senate Bill 227**, Requiring county boards of education and county superintendents to comply with instructions of State Board of Education.

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

**Com. Sub. for Senate Bill 227** (originating in the Committee on Education)—A Bill to amend and reenact §18-9B-17, §18-9B-18, and §18-9B-19 of the Code of West Virginia, 1931, as amended, all relating to requiring county boards of education and county superintendents to comply with the instructions of the State Board of Education; expanding remedies that may be used to enforce certain orders of the State Superintendent of Schools when a county board of education fails or refuses to comply; expanding circumstances under which the state superintendent can withhold payment of state aid from a county board; allowing, under certain circumstances of noncompliance with state law or state board policy, the state superintendent to require certain actions during the periods of noncompliance; and requiring the state superintendent to report certain actions of enforcement against a county board to the state board at its next meeting.

And,

**Senate Bill 267**, Relating to transportation of students in county board owned and insured vehicles.

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

**Com. Sub. for Senate Bill 267** (originating in the Committee on Education)—A Bill to amend and reenact §18-5-13 of the Code of West Virginia, 1931, as amended, relating to the transportation of students; increasing the seating capacity of county board-owned vehicles that professional employees can be certified to drive to transport students for school-sponsored activities; requiring the vehicles to be insured; allowing service personnel to be certified to drive the vehicles; allowing more than one of these vehicles to be used for a school sponsored activity; allowing students to be transported to a school-sponsored activity in a county-owned or leased vehicle that does not meet school bus or public transit ratings if the seating capacity of the vehicle is less than 16 passengers including the driver; increasing the number of students

that can be transported by a parent in a privately owned vehicle; and allowing a guardian or other adult approved in writing by the parent to transport students in a privately owned vehicle.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Rollan A. Roberts,  
*Vice Chair.*

Senator Grady, 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 470**, Relating generally to health care decisions.

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

**Com. Sub. for Senate Bill 470** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-30-3, §16-30-4, §16-30-5, §16-30-10, §16-30-13, §16-30-19, §16-30-21, and §16-30-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-30C-5 of said code, all relating to health care decisions; defining terms; renaming the physician orders for scope of treatment as portable orders for scope of treatment and indicating that advanced practice registered nurses and physician assistants may complete them within their scope of practice; revising forms of a living will, medical power of attorney, and combined medical power of attorney and living will; providing clarifying language regarding the effect of signing a living will on the availability of medically-administered food and fluids; requiring oral food and fluids be provided as desired and tolerated; providing reciprocity for portable orders for scope of treatment or similar medical orders validly executed in another state; providing that forms executed prior to effective date of this bill remain in full force and effect; and providing for effective date.

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

Respectfully submitted,

Amy N. Grady,  
*Vice Chair.*

The bill (Com. Sub. for S. B. 470), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

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

**Senate Bill 476**, Relating to imposition of minimum severance tax on coal.

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

**Com. Sub. for Senate Bill 476** (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §11-12B-3 of the Code of West Virginia, 1931, as amended, relating to the imposition of the minimum severance tax on coal; and making technical corrections to the code.

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,

Randy E. Smith,  
*Chair.*

The bill (Com. Sub. for S. B. 476), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration

**Senate Bill 492**, Relating to electronic collection of tolls.

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

Respectfully submitted,

Mark R. Maynard,  
*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 Swope and Sypolt:**

**Senate Bill 497**—A Bill to amend and reenact §11-6F-6 of the Code of West Virginia, 1931, as amended, all relating to the special method for appraising qualified capital additions to manufacturing facilities; eliminating the requirement that otherwise qualified investment assets be located or installed at or within two miles of a pre-existing manufacturing facility; and specifying effective date.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 498**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9b; and to amend said code by adding thereto a new section, designated §18B-14-4, all relating to prohibiting a school district,



a public charter school, the West Virginia Board of Education, the West Virginia Department of Education, a state institution of higher education, or any employee of the aforementioned entities from providing instruction in, requiring instruction in, making part of a course, or requiring a statement or affirmation by an employee of certain specified concepts; allowing discussion of the prohibited concepts in theory as part of state institution of higher education academic course if discussion of alternative theories are also included in the course; defining terms; and allowing any student or employee aggrieved by a violation of the sections prohibiting the certain specified concepts to bring an action against the school district, public charter school, West Virginia Board of Education, West Virginia Department of Education, state institution of higher education, or any employee of the aforementioned entities acting in their official capacities, alleged to be responsible for the alleged violation.

Referred to the Committee on Education.

**By Senator Rucker:**

**Senate Bill 499**—A Bill to amend and reenact §18-9D-21 of the Code of West Virginia, 1931, as amended, relating to authorizing legislative rules for the School Building Authority regarding Funding School Building Authority Projects.

Referred to the Committee on Education.

**By Senator Weld:**

**Senate Bill 500**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §37-16-1, §37-16-2, §37-16-3, §37-16-4, §37-16-5, §37-16-6, §37-16-7, §37-16-8, and §37-16-9, all relating to real property conveyed by land installment agreement; providing definitions; laying out land installment contract requirements; providing for vendor requirements; providing for the condition of forfeiture, notice of default, and right to cure; defining the effect of vendor's default on lien on property; spelling out contrary provisions; defining interest; providing for remedies; and clarifying the Truth in Lending Act.

Referred to the Committee on the Judiciary.

**By Senators Swope and Sypolt:**

**Senate Bill 501**—A Bill to amend and reenact §11-13W-1 of the Code of West Virginia, 1931, as amended, all relating to the tax credit for apprenticeship training; eliminating the requirement that the credit base be limited to wages paid to apprentices in the construction trades, specifying effective date; and making stylistic changes.

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

**By Senators Hamilton and Stover:**

**Senate Bill 502**—A Bill to amend and reenact §20-2-44b of the Code of West Virginia, 1931, as amended, relating to the bear damage stamp; including additional license classes with which the stamp may be used; specifying when additional stamps are required; and providing limitations when a seasonal bag limit is reached.

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

**By Senator Grady:**

**Senate Bill 503**—A Bill to amend and reenact §5-16-13 of the Code of West Virginia, 1931, as amended, relating to allowing a person who first becomes a member of the Teachers Retirement System on or after July 1, 2015, to apply his or her accrued annual and sick leave, on the basis of one day's retirement service credit for each one-day of accrued annual and sick leave, toward an increase in his or her retirement benefits with those days constituting additional credited service in computation of the benefits under the Teachers Retirement System.

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

**By Senator Tarr:**

**Senate Bill 504**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt; to amend said code by adding there to a new section,

designated §8-12-5h; to amend and reenact §24-3-5 of said code; to amend and reenact §31D-1-125, §31D-1-150, §31D-1-151, and §31D-1-152 of said code; to amend said code by adding thereto a new section, designated §31D-6-605; to amend and reenact §31D-6-625 of said code; to amend and reenact §31D-7-720 of said code; to amend and reenact §31D-7-724 of said code; to amend and reenact §31D-7-730 of said code; to amend and reenact §31D-16-1601 and §31D-16-1603 of said code; to amend said code by adding thereto a new section, designated §31D-16-1607; to amend and reenact §31E-1-150 and §31E-1-151 of said code; to amend and reenact §31E-15-1501, and §31E-15-1503 of said code; to amend said code by adding thereto a new section, designated §31E-15-1507; to amend said code by adding thereto a new chapter, designated §31I-1-101, §31I-1-102, §31I-2-201, §31I-2-202, §31I-2-203, §31I-2-204, §31I-2-205, and §31I-2-206; to amend and reenact §32-4-401 and §32-4-402 of said code; to amend and reenact §32A-2-1, §32A-2-3, and §32A-2-22 of said code; to amend said code by adding thereto a new article, designated §39A-4-101, §39A-4-102, §39A-4-103, §39A-4-201, §39A-4-202, §39A-4-203, §39A-4-204, and §39A-4-205; to amend and reenact §46A-6-102 of said code; to amend and reenact §47-9-1 of said code; to amend said code by adding thereto a new section, designated §47-9-59a; to amend and reenact §47B-1-1 of said code; and to amend said code by adding thereto a new section, designated §47B-11-6, all relating to digital assets; recognizing virtual currency; prohibiting taxation of virtual currency by counties and municipalities; defining terms; prohibiting public utilities from charging fees or infringing upon the use of energy used in mining of digital or virtual currency; setting out duties of the Secretary of State; providing for the development of a blockchain filing system; providing for rulemaking; providing for notice requirements; setting out various effective dates; providing for use of blockchain by corporations and corporate shareholders; allowing for corporate shares may be issued by certificate tokens; providing for elements for use of data address in shareholder meetings and voting; providing for network signatures in corporate voting; allowing for corporate, nonprofit corporate, partnerships, limited partnerships, recordkeeping on an information storage device; providing for conversion of electronic records to writing;

providing for admissibility of records as evidence; creating the Digital Assets Act; providing for a short title, setting our legislative findings; creating blockchain enabled institutions; providing blockchain institutions shall be established as a business corporation; setting powers and duties of blockchain institutions; providing for applicability of federal and state law; providing for required disclosures of blockchain institutions; providing for continuing jurisdiction of blockchain institutions during liquidation or conservatorship; making the Consumer Credit Protection Act applicable to blockchain institutions; providing for voluntary dissolution of blockchain institutions; providing for exemptions from securities regulations in certain circumstances; exempting virtual currency from regulation as checks and money order sales, money transmission services, transportation, and current exchange; creating the Utility Token Act; providing for legislative findings; defining terms; classifying blockchain tokens as intangible personal property; setting out requirements for a blockchain token facilitator; making willful failure to comply with the act an unlawful trade practice; allowing referral for investigation and prosecution by Secretary of State; providing for classification of digital assets as intangible personal property in certain circumstance; providing for procedure for perfection of security interest in digital assets; allowing state chartered banks to provide custodial service of digital assets; setting out duties of a bank to act as a qualified custodian; requiring banks to have an independent accountant conduct an examination consistent with federal law; providing that digital assets held in custody are not depositor liabilities or assets of a bank; establishing nature of relationship between the customer and a bank in custodial arrangements; allowing rulemaking of the banking commissioner; providing for jurisdiction of courts with respect to digital assets; and making the Consumer Credit Protection Act applicable to custodial arrangements.

Referred to the Committee on Finance.

**By Senator Azinger:**

**Senate Bill 505**—A Bill to amend and reenact §32A-2-1, §32A-2-2, §32A-2-3, §32A-2-4, §32A-2-8, §32A-2-10, §32A-2-

11, §32A-2-13, §32A-2-24, and §32A-2-25 of the Code of West Virginia, as amended; and to amend said code by adding two new sections thereto, designated §32A-2-8a and §32A-2-8b, all relating to the licensure and regulation of money transmitters; updating definitions; eliminating outdated provisions; clarifying the financial institution exemption; permitting the Commissioner of Financial Institutions to participate in the multistate licensing and examination process and to conduct examinations; updating net worth requirements to use a sliding scale; providing information requirements for a change in control and updating the change in control process; specifying requirements for individuals in control of a licensee or applicant; requiring permissible investments to match outstanding obligations; and updating the due process procedure to eliminate the two-step process for revocations and suspensions while preserving the order and hearing requirement.

Referred to the Committee on Banking and Insurance.

Senator Weld offered the following resolution:

**Senate Concurrent Resolution 25**—Requesting the Division of Highways name bridge number 35-43-0.01 (35A054), 40.04402, -80.55134, locally known as Middle Creek School Bridge, carrying County Route 43 over Middle Wheeling Creek in Ohio County, the "Firefighter Marvin Layton Hughes Memorial Bridge".

Whereas, Marvin Layton Hughes was born on October 12, 1924, in Dallas, Marshall County, West Virginia; and

Whereas, Marvin Layton Hughes took a job at the railroad during World War II getting coal to steel mills for the war effort. He later worked for years as a security guard at the Division of Highways in Triadelphia, West Virginia; and

Whereas, Marvin Layton Hughes was known in Dallas, West Virginia as the "unofficial mayor" and served as a member of the Dallas Volunteer Fire Department for 44 years prior to his death on July 27, 1998; and

Whereas, Marvin Layton Hughes loved serving his community and walked the roads picking up trash to better serve his community; and

Whereas, Marvin Layton Hughes raised two daughters who followed his example of community service and are part of the Dallas Volunteer Fire Department; and

Whereas, It is fitting that an enduring memorial be established to commemorate Marvin Layton Hughes and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 35-43-0.01 (35A054), 40.04402, - 80.55134, locally known as Middle Creek School Bridge, carrying County Route 43 over Middle Wheeling Creek in Ohio County, the "Firefighter Marvin Layton Hughes 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 "Firefighter Marvin Layton Hughes 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.

The Senate proceeded to the seventh order of business.

**Senate Resolution 15**, Designating January 28, 2022, as Women's and Girls' Day.

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

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

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 246**, Requiring newly constructed public schools and public schools with major improvements to have water bottle filling stations.

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 246 pass?"

On the passage of the bill, the yeas were: Azinger, Boley, Brown, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney (by proxy), Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Stollings, Swope, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—26.

The nays were: Baldwin, Geffert, and Sypolt—3.

Absent: Beach, Rucker, Smith, Stover, and Woelfel—5.

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. 246) 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 431**, Relating generally to Uniform Controlled Substances Act.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney (by proxy), Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Stollings, Swope,

Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Beach, Rucker, Smith, Stover, and Woelfel—5.

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. 431) 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 435**, Awarding service weapon to retiree from Division of Protective Services.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney (by proxy), Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Beach, Rucker, Smith, Stover, and Woelfel—5.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 435) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney (by proxy), Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Stollings, Swope, Sypolt,



Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Beach, Rucker, Smith, Stover, and Woelfel—5.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 435) takes effect from passage.

*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 449**, Relating to Nonviolent Offense Parole Program.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney (by proxy), Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Beach, Rucker, Smith, Stover, and Woelfel—5.

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. 449) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney (by proxy), Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Stollings, Swope, Sypolt,

Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Beach, Rucker, Smith, Stover, and Woelfel—5.

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. 449) takes effect from passage.

*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 151,** Creating license plate recognizing linemen.

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 192,** Establishing Civil Air Patrol license plate.

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 261,** Requiring video cameras in certain special education classrooms.

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 279,** Authorizing DEP to promulgate legislative rules.

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 441,** Providing confidentiality of video and other records of correctional juvenile facilities.

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

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

On page one, section eight-a, line three, by changing the period to a comma and inserting the words "or as required by the provision of §29B-1-1 *et seq.* of this code."

Following discussion,

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

The bill (Com. Sub. for S. B. 441), as amended, 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 5**, Creating WV Unmanned Aircraft Systems Advisory Council.

**Com. Sub. for Senate Bill 439**, Adopting Revised Uniform Athlete Agents Act of 2015.

**Senate Bill 440**, Establishing Uniform Commercial Real Estate Receivership Act.

**Senate Bill 450**, Updating definitions of WV Personal Income Tax Act.

**Senate Bill 451**, Updating definitions of WV Corporation Net Income Tax Act.

**Com. Sub. for Senate Bill 452**, Permitting civil remedies for unauthorized disclosure of intimate images.

And,

**Com. Sub. for Senate Bill 453**, Establishing uniform requirements for restrictive employment agreements.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Lindsay.

The Senate then 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 January 27, 2022:

**Senate Bill 485:** Senator Romano.

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 January 27, 2022:

**Senate Bill 6:** Senator Azinger;

**Senate Bill 34:** Senator Smith;

**Senate Bill 46:** Senator Smith;

**Senate Bill 48:** Senator Smith;

**Senate Bill 52:** Senator Azinger;

**Senate Bill 76:** Senator Smith;

**Senate Bill 118:** Senator Smith;

**Senate Bill 120:** Senators Plymale and Woodrum;

**Senate Bill 125:** Senator Smith;

**Senate Bill 131:** Senator Smith;

**Senate Bill 139:** Senator Plymale;

**Senate Bill 159:** Senator Smith;

**Senate Bill 182:** Senator Smith;

**Senate Bill 189:** Senator Smith;

**Senate Bill 190:** Senator Smith;

**Com. Sub. for Senate Bill 219:** Senator Smith;

**Senate Bill 266:** Senator Smith;

**Senate Bill 272:** Senator Maynard;

**Senate Bill 420:** Senator Smith;

**Com. Sub. for Senate Bill 423:** Senator Smith;

**Senate Bill 425:** Senator Takubo;

**Senate Bill 439:** Senator Lindsay;

**Senate Bill 452:** Senators Lindsay and Romano;

**Senate Bill 463:** Senators Grady, Sypolt, Maynard, Azinger, and Phillips;

**Senate Bill 467:** Senator Phillips;

**Senate Bill 469:** Senator Smith;

**Senate Bill 470:** Senators Takubo and Stollings;

**Senate Bill 481:** Senator Woodrum;

**Senate Bill 488:** Senator Smith;

**Senate Bill 493:** Senator Takubo;

**Senate Bill 494:** Senators Stollings, Woelfel, Baldwin, Caputo, Lindsay, and Romano;

**Senate Bill 496:** Senators Stollings and Smith;

**Senate Joint Resolution 1:** Senator Woodrum;

**Senate Joint Resolution 2:** Senator Woodrum;

**Senate Joint Resolution 4:** Senator Woodrum;

**Senate Joint Resolution 6:** Senator Woodrum;

And,

**Senate Resolution 15:** Senators Stollings, Takubo, Baldwin, Lindsay, Romano, Hamilton, and Phillips.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Takubo, at 9:44 a.m., the Senate adjourned until Monday, January 31, 2022, at 11 a.m.

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## MONDAY, JANUARY 31, 2022

The Senate met at 11:02 a.m.

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

Prayer was offered by Rabbi Victor H. Urecki, B'nai Jacob Synagogue, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mark R. Maynard, a senator from the sixth district.

Pending the reading of the Journal of Friday, January 28, 2022,

At the request of Senator Swope, 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.

Senator Blair (Mr. President) announced that, under the provisions of Senate Resolution 10 (*Adopting special rule of order relating to COVID-19 pandemic*) adopted January 18, 2022, the following senator had been approved to vote by proxy:

Senator Rucker, and that Senator Takubo had been designated to vote on her behalf.

The Senate 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. House Bill 2562**—A Bill to amend and reenact §22-15A-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section designated §22-15A-4a; all relating to litter control; providing for relocating civil and criminal penalties; providing for mirrored fines between water-based litter and land-based litter; providing for ranges of fines; providing for a specific penalty for litter relating to commercial waste that is improperly disposed of in this state; providing for verification of any court imposed community service sentence by the Department of Environmental Protection; and providing for other technical changes.

Referred to the Committee on the Judiciary.

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. House Bill 4024**—A Bill to amend §30-27-8a and §30-27-8b of the Code of West Virginia, 1931, as amended, all relating to creating a cosmetology apprenticeship program that allows companies to train an apprentice, in whole or in part, for practical real-world experience; and providing that such apprenticeships shall count towards certification as if the apprentice had completed beauty school and satisfied other necessary requirements.

Referred to the Committee on Government Organization.

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

**Eng. House Bill 4288**—A Bill to amend and reenact §30-36-10 of the Code of West Virginia, 1931, as amended, relating to expanding the practice of auricular acudetox to professions approved by the board; and making other technical modifications.

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

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

**Eng. House Bill 4291**—A Bill to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing legislative rules regarding higher education; authorizing legislative rules for the Higher Education Policy Commission regarding the Research Trust Fund Program and Annual Reauthorization of Degree-Granting Institutions; and authorizing legislative rules for the Council for Community and Technical College Education regarding Business, Occupational, and Trade Schools, Annual Reauthorization of Degree-Granting Institutions, and West Virginia Invests Grant 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. House Bill 4301**—A Bill to amend and reenact section 2, chapter twenty-six, Acts of the Legislature, regular session, 1924 (municipal charters), as last amended by chapter one hundred, Acts of the Legislature, regular session 2003, relating to reforming membership requirements of the Greater Huntington Park and Recreation District.

Referred to the Committee on the Judiciary.



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. House Bill 4308**—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §14-2A-11a; to amend and reenact §14-2A-14 of said code; and to amend and reenact §49-5-101 of said code, all relating to facilitating investigation and award of benefits under the West Virginia Crime Victims' Compensation Fund when a child is the subject of a civil abuse and neglect petition or injurious conduct is alleged to have been committed by or against a child; expanding the class of persons who may apply on behalf of a child; specifying that official records relating to a child or juvenile may be disclosed for evaluation of a Crime Victims' Compensation Fund application, and providing for confidentiality of records and proceedings.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 86**, Creating criminal offense of sexual extortion.

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

**Com. Sub. for Senate Bill 86** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-2-13 of the Code of West Virginia, 1931, as amended, relating to the offenses of extortion and attempted extortion; including threats to publish images of a person's intimate body parts as a means of committing extortion or attempted extortion; defining the phrase "anything of value, or other consideration" to include certain defined sexual acts and defining "images of intimate body parts"; and setting forth criminal penalties.

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,

Charles S. Trump IV,  
*Chair.*

The bill (Com. Sub. for S. B. 86), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration

**Eng. Com. Sub. for House Bill 4067**, To make certain agency reports electronic or eliminating certain agency reports altogether.

And has amended same.

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

Respectfully submitted,

Mark R. Maynard,  
*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 Swope and Sypolt:**

**Senate Bill 506**—A Bill to amend and reenact §11-13S-4 and §11-13Y-5 of the Code of West Virginia, 1931, as amended, all relating to authorizing application of the manufacturing investment

tax credit and the manufacturing property tax adjustment credit against personal income tax; defining terms; deleting superannuated language; specifying application of tax credit; specifying effective date; and making stylistic revisions.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

**By Senators Swope and Sypolt:**

**Senate Bill 507**—A Bill to amend and reenact §11-15-9n of the Code of West Virginia, 1931, as amended, all relating to the consumers sales and service tax and use tax exemption for qualified purchases of computers and computer software, primary material handling equipment, racking and racking systems and components, building materials, and certain tangible personal property to be incorporated into a qualified, new, or expanded warehouse or distribution facility; changing threshold jobs creation number from 300 to 50; and making stylistic changes.

Referred to the Committee on Finance.

**By Senators Hamilton, Stover, Martin, and Sypolt:**

**Senate Bill 508**—A Bill to amend and reenact §20-2-60 of the Code of West Virginia, 1931, as amended, relating to required attire for deer hunters hunting with a muzzleloader; creating misdemeanor offense for violation; and penalty.

Referred to the Committee on Natural Resources.

**By Senator Rucker:**

**Senate Bill 509**—A Bill to amend and reenact §18A-4-10 of the Code of West Virginia, 1931, as amended, relating to providing that county board of education employee personal leave be accrued as earned throughout the employment term at the end of each pay period or on the last workday for separating employees; and removing unnecessary language.

Referred to the Committee on Education.

**By Senator Jeffries:**

**Senate Bill 510**—A Bill to amend and reenact §31-15A-10 of the Code of West Virginia, 1931, as amended, relating to

increasing the cap on annual spending that may be made on the pre-application process to project sponsors.

Referred to the Committee on Finance.

**By Senator Azinger:**

**Senate Bill 511**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-4C-12; to amend said code by adding thereto a new section, designated §33-15-23; to amend said code by adding thereto a new section, designated §33-16-18; and to amend said code by adding thereto a new section, designated §33-25-23, all relating to addiction treatment prescription drugs; and prohibiting insurers, including a Medicaid-managed care organization from denying prescription drugs for the mitigation of opioid withdrawal symptoms.

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

**By Senators Phillips, Grady, Roberts, Stollings, Sypolt, and Woelfel:**

**Senate Bill 512**—A Bill to amend and reenact §5-16-5a of the Code of West Virginia, 1931, as amended, relating to restoring major health care benefits to certain public employees who retired and then returned to employment.

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

**By Senators Phillips, Grady, Karnes, Stollings, Sypolt, Woelfel, and Woodrum:**

**Senate Bill 513**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-11-11a; and to amend and reenact §33-3-33 of said code, all relating to fire department recruitment and retention; creating Fire Service Recruitment and Retention Fund; establishing that the purpose of the fund is to provide grants for recruitment and retention purposes; requiring the State Fire Commission to create a grant program; establishing considerations for awarding grants;

providing for rulemaking; requiring State Fire Commission verify eligibility volunteer fire departments with Legislative Auditor; raising policy surcharge to one percent; and allocating disbursements to various funds.

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

**By Senator Smith:**

**Senate Bill 514**—A Bill to amend and reenact §55-7-22 of the Code of West Virginia, 1931, as amended, relating to use of force, including deadly force, in defense of self, real, and personal property; providing immunity from civil and/or criminal prosecution against persons lawfully using force in defensive actions; when there is no duty to retreat; and providing for the receipt of court costs, fees, and expenses for persons acting to protect self, real, and personal property, another person, or in other defined situations.

Referred to the Committee on the Judiciary.

Senators Smith and Sypolt offered the following resolution:

**Senate Concurrent Resolution 26**—Requesting the Division of Highways name bridge number 39-68/8-000.01 (39A234), locally known as King's Trees Bridge, carrying CR 68/8 over Interstate 68 in Preston County, the "U.S. Army TEC5 William 'Bill' Thurman King Memorial Bridge".

Whereas, William "Bill" Thurman King was born on June 24, 1925, in Bruceton Mills, Preston County, West Virginia; and

Whereas, In the 1940s, William "Bill" Thurman King was a Technician Fifth Grade, Battery A of the 364th Field Artillery in the United States Army, he was honorably discharged in 1946; and

Whereas, William "Bill" Thurman King was honored in his military service with the European-African-Middle Eastern Theater Ribbon, the Good Conduct Medal, the World War II Victory Ribbon, and the Army Occupation Medal (Germany); and

Whereas, From the late 1940s until the 1980s, William "Bill" Thurman King was a bus operator for the Preston County Board of Education; and

Whereas, It is fitting that an enduring memorial be established to commemorate TEC5 William "Bill" Thurman King and his contributions to his state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 39-68/8-000.01 (39A234), locally known as King's Trees Bridge, carrying County Route 68/8 over Interstate 68 in Preston County, the "U.S. Army TEC5 William 'Bill' Thurman King 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 "U.S. Army TEC5 William 'Bill' Thurman King 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.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 25**, Firefighter Marvin Layton Hughes Memorial Bridge.

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

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 151**, Creating license plate recognizing linemen.

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 151 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 151) 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 192**, Establishing Civil Air Patrol license plate.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 192) 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 261**, Requiring video cameras in certain special education classrooms.

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 261 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 261) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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



The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 261) takes effect from passage.

*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 279**, Authorizing DEP 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 279 pass?"

On the passage of the bill, the yeas were: Azinger, Boley, Caputo, Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker (by proxy), Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—26.

The nays were: Baldwin, Beach, Brown, Geffert, Jeffries, Lindsay, Romano, and Woelfel—8.

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. 279) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Boley, Caputo, Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker (by proxy), Smith,

Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—26.

The nays were: Baldwin, Beach, Brown, Geffert, Jeffries, Lindsay, Romano, and Woelfel—8.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 279) takes effect from passage.

*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 441**, Providing confidentiality of video and other records of correctional juvenile facilities.

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 441 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 441) passed with its title.

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

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 5**, Creating WV Unmanned Aircraft Systems Advisory Council.

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

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

On page one, section eighteen, line nine, by striking out the words "representing the military" and inserting in lieu thereof the words "from the Adjutant General's Department".

On motion of Senator Stollings, the following amendment to the bill (Com. Sub. for S. B. 5) was next reported by the Clerk:

On page one, section eighteen, line eight, after the word "industry" by inserting the words "with at least five years of experience operating an unmanned aircraft".

Following discussion,

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

The bill (Com. Sub. for S. B. 5), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 439**, Adopting Revised Uniform Athlete Agents Act of 2015.

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

**Senate Bill 440**, Establishing Uniform Commercial Real Estate Receivership Act.

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

**Senate Bill 450**, Updating definitions of WV Personal Income Tax Act.

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

**Senate Bill 451**, Updating definitions of WV Corporation Net Income Tax Act.

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 452**, Permitting civil remedies for unauthorized disclosure of intimate images.

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 453**, Establishing uniform requirements for restrictive employment agreements.

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

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that 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 138**, Relating to Board of Medicine composition.

**Com. Sub. for Senate Bill 227**, Requiring county boards of education and county superintendents to comply with instructions of State Board of Education.

**Com. Sub. for Senate Bill 267**, Relating to transportation of students in county board owned and insured vehicles.

And,

**Senate Bill 492**, Relating to electronic collection of tolls.

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

The Senate then proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on January 28, 2022:

**Senate Bill 242**: Senator Baldwin;

And,

**Senate Bill 485**: Senator Lindsay.

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 January 28, 2022:

**Senate Bill 3**: Senator Romano;

**Senate Bill 29**: Senator Takubo;

**Senate Bill 86**: Senator Romano;

**Senate Bill 257**: Senator Baldwin;

**Senate Bill 463**: Senator Takubo;

**Senate Bill 470**: Senator Woodrum;

**Senate Bill 477**: Senator Plymale;

**Senate Bill 488:** Senator Takubo;

**Senate Bill 502:** Senators Lindsay and Jeffries;

**Senate Bill 503:** Senators Takubo and Roberts;

**Senate Joint Resolution 2:** Senator Plymale;

**Senate Joint Resolution 3:** Senator Plymale;

**Senate Joint Resolution 4:** Senators Takubo, Roberts, and Plymale;

**Senate Joint Resolution 6:** Senator Roberts;

**Senate Joint Resolution 7:** Senator Plymale;

**Senate Joint Resolution 8:** Senator Plymale;

**Senate Concurrent Resolution 17:** Senator Plymale;

**Senate Concurrent Resolution 25:** Senators Lindsay and Jeffries;

And,

**Senate Resolution 4:** Senator Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:47 a.m., the Senate adjourned until tomorrow, Tuesday, February 1, 2022, at 11 a.m.

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TUESDAY, FEBRUARY 1, 2022

The Senate met at 11:01 a.m.

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

Prayer was offered by the Very Reverend Donald X. Higgs, Basilica of the Co-Cathedral of the Sacred Heart, Charleston, West Virginia.

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

Pending the reading of the Journal of Monday, January 31, 2022,

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.

Senator Blair (Mr. President) announced that, under the provisions of Senate Resolution 10 (*Adopting special rule of order relating to COVID-19 pandemic*) adopted January 18, 2022, the following senator had been approved to vote by proxy:

Senator Rucker, and that Senator Takubo had been designated to vote on her behalf.

The Senate proceeded to the third order of business.

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

**Eng. Senate Bill 4**, Repealing ban on construction of nuclear power plants.

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. House Bill 2631**—A Bill to amend and reenact §20-1-7e of the Code of West Virginia, 1931, as amended, relating to allowing off duty Natural Resources Police Officers of the Law Enforcement Section of the West Virginia Division of Natural Resources to contract to work for a private person or entity during off duty hours if the type of the contract work does not violate

Division of Natural Resources Law Enforcement Section rules as to location or nature.

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

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. House Bill 2817**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §60B-1-1, §60B-1-2, §60B-1-3, §60B-1-4, §60B-1-5, §60B-1-6, §60B-1-7, and §60B-1-8, all relating to creating the Donated Drug Repository Program; establishing the West Virginia Board of Pharmacy has the authority to administer the program; setting forth eligible drugs and eligible recipients; establishing how the drugs are to be received, handled, stored, dispensed, distributed, and disposed of; permitting a handling fee; defining terms; and requiring rule-making.

Referred to the Committee on Health and Human Resources.

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. House Bill 4048**—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to clarifying that persons may lawfully possess loaded rifles and shotguns in their vehicles unless the totality of the circumstances indicate that those persons are attempting to take wildlife.

Referred to the Committee on the Judiciary.

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. House Bill 4097**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,



designated §3-1A-9, relating to prohibiting nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission.

Referred to the Committee on the Judiciary.

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

**Eng. Com. Sub. for House Bill 4257**—A Bill to amend and reenact §16-39-8 of the Code of West Virginia, 1931, as amended, relating to requiring visitation once the patient is stable following a surgical procedure in a health care facility.

Referred to the Committee on Health and Human Resources.

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 4263**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-61-1, relating to health insurance; prohibiting certain actions; and providing an effective date.

Referred to the Committee on Health and Human Resources.

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. House Bill 4299**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-9-21, relating to prohibiting certain intentional actions obstructing or interfering with a voter during hours that polls are open for in-person voting in an election; and creating a misdemeanor crime of certain intentional actions obstructing or interfering with a voter during hours that polls are open for in-person voting in an election and establishing penalties thereto.

Referred to the Committee on the Judiciary.

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

**Eng. Com. Sub. for House Bill 4324**—A Bill to amend and reenact §30-5-4 and §30-5-19 of the Code of West Virginia, 1931, as amended, all relating to collaborative pharmacy practice; defining terms; setting forth requirements for different practice settings; prohibiting certain practices; and updating the terms of collaborative practice agreements.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 7**, Relating to damages for medical monitoring.

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

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

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*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 458**, Establishing legal right to title of substances derived from drainage on mined lands.

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

**Com. Sub. for Senate Bill 458** (originating in the Committee on Natural Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-2-10, relating generally to establishing and implementing a program to allow persons treating acid mine drainage at abandoned mine land sites to recover and benefit commercially from valuable and strategically important rare earth elements and critical materials from acid mine drainage; and authorizing Department of Environmental Protection to propose rules to implement the provisions of the section.

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

Respectfully submitted,

Bill Hamilton,  
*Chair.*

The bill (Com. Sub. for S. B. 458), under the original double committee reference, was then referred to the Committee on the Judiciary.

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 481**, Relating to Adopt-A-Stream Program.

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

**Com. Sub. for Senate Bill 481** (originating in the Committee on Natural Resources)—A Bill to amend and reenact §22-15A-3a of the Code of West Virginia, 1931, as amended, relating to the Adopt-A-Stream Program; requiring volunteers 17 years of age or younger be accompanied by an adult; changing streams eligible for participation in program; altering process for selecting stream participation in program; allowing department to approve or deny applications at its discretion; expanding sources of funding to support program; lengthening period of stream participation from one to three years; altering method of collection of stream litter; and requiring one cleanup of the river prior to road signs being erected.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Bill Hamilton,  
*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 515**—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 Administration, Public Defender Services, fund 0226, fiscal year 2022, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

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

**Senate Bill 516**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, State Road Fund, Lottery Net Profits, Other Funds (special), and federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, by increasing items of appropriation to the Executive, Governor's Office, fund 0101, fiscal year 2022, organization 0100; to the Executive, Governor's Office – Custodial Fund, fund 0102, fiscal year 2022, organization 0100; to the Executive, Auditor's Office – General Administration, fund 0116, fiscal year 2022, organization 1200; to the Executive, Treasurer's Office, fund 0126, fiscal year 2022, organization 1300; to the Executive, Department of Agriculture, fund 0131, fiscal year 2022, organization 1400; to the Executive, West Virginia Conservation Agency, fund 0132, fiscal year 2022, organization 1400; to the Executive, Department of Agriculture – Meat Inspection Fund, fund 0135, fiscal year 2022, organization 1400; to the Executive, Department of Agriculture, fund 0607, fiscal year 2022, organization 1400; to the Executive, Attorney General, fund 0150, fiscal year 2022, organization 1500; to the Department of Administration, Department of Administration – Office of the Secretary, fund 0186, fiscal year 2022, organization 0201; Department of Administration, Division of Finance, fund 0203, fiscal year 2022, organization 0209; to the Department of Administration, Division of General Services, fund 0230, fiscal year 2022, organization 0211; to the Department of Administration, Division of Purchasing, fund 0210, fiscal year 2022, organization 0213; to the Department of Administration, Travel Management, fund 0615, fiscal year 2022, organization 0215; to the Department of Administration, West Virginia Public Employees Grievance Board, fund 0220, fiscal year 2022, organization 0219; to the Department of Administration, Ethics Commission, fund 0223, fiscal year 2022, organization 0220; to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2022, organization 0221; Department of Administration, West Virginia Prosecuting Attorneys Institute,

fund 0557, fiscal year 2022, organization 0228; to the Department of Administration, Real Estate Division, fund 0610, fiscal year 2022, organization 0233; to the Department of Commerce, Division of Forestry, fund 0250, fiscal year 2022, organization 0305; to the Department of Commerce, Geological and Economic Survey, fund 0253, fiscal year 2022, organization 0306; Department of Commerce, Division of Labor, fund 0260, fiscal year 2022, organization 0308; Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2022, organization 0310; Department of Commerce, Division of Miners' Health, Safety and Training, fund 0277, fiscal year 2022, organization 0314; to the Department of Commerce, Board of Coal Mine Health and Safety, fund 0280, fiscal year 2022, organization 0319; to the Department of Commerce, Department of Commerce – Office of the Secretary, fund 0606, fiscal year 2022, organization 0327; to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services, fund 0310, fiscal year 2022, organization 0932; to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307; to the Department of Economic Development, Department of Economic Development – Office of Energy, fund 0612, fiscal year 2022, organization 0328; to the Department of Education, State Board of Education – School Lunch Program, fund 0303, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – Aid for Exceptional Children, fund 0314, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – State Aid to Schools, fund 0317, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – Vocational Division, fund 0390, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – West Virginia Schools for the Deaf and the Blind, fund 0320, fiscal year 2022, organization 0403; to the Department of Arts, Culture, and History, Division of Culture and History, fund 0293, fiscal year 2022, organization 0432; to the Department of Arts, Culture, and History, Library Commission, fund 0296, fiscal year 2022, organization 0433; to the

Department of Arts, Culture, and History, Educational Broadcasting Authority, fund 0300, fiscal year 2022, organization 0439; to the Department of Environmental Protection, Environmental Quality Board, fund 0270, fiscal year 2022, organization 0311; to the Department of Environmental Protection, Division of Environmental Protection, fund 0273, fiscal year 2022, organization 0313; to the Department of Health and Human Resources, Department of Health and Human Resources – Office of the Secretary, fund 0400, fiscal year 2022, organization 0501; to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Human Rights Commission, fund 0416, fiscal year 2022, organization 0510; to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2022, organization 0511; to the Department of Homeland Security, Department of Homeland Security – Office of the Secretary, fund 0430, fiscal year 2022, organization 0601; to the Department of Homeland Security, Division of Emergency Management, fund 0443, fiscal year 2022, organization 0606; to the Department of Homeland Security, Division of Corrections and Rehabilitation – West Virginia Parole Board, fund 0440, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Bureau of Juvenile Services, fund 0570, fiscal year 2022, organization 0608; to the Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2022, organization 0612; to the Department of Homeland Security, Division of Protective Services, Fund 0585, fiscal year 2022, organization 0622; to the Department of Homeland Security, Division of Justice and Community Services, fund 0546, fiscal year 2022, organization 0623; to the Department of Homeland Security, Division of Administrative Services, fund 0619, fiscal year 2022, organization 0623; to the Department of Revenue, Office of the Secretary, fund 0465, fiscal year 2022, organization 0701; to the

Department of Revenue, Tax Division, fund 0470, fiscal year 2022, organization 0702; to the Department of Revenue, State Budget Office, fund 0595, fiscal year 2022, organization 0703; to the Department of Revenue, West Virginia Office of Tax Appeals, fund 0593, fiscal year 2022, organization 0709; to the Department of Transportation, State Rail Authority, fund 0506, fiscal year 2022, organization 0804; to the Department of Transportation, Aeronautics Commission, fund 0582, fiscal year 2022, organization 0807; to the Department of Veterans' Assistance, fund 0456, fiscal year 2022, organization 0613; to the Department of Veterans' Assistance, Department of Veterans' Assistance – Veterans' Home, fund 0460, fiscal year 2022, organization 0618; to the West Virginia Council for Community and Technical College Education, West Virginia Council for Community and Technical College Education – Control Account, fund 0596, fiscal year 2022, organization 0420; to the West Virginia Council for Community and Technical College Education, Mountwest Community and Technical College, fund 0599, fiscal year 2022, organization 0444; to the West Virginia Council for Community and Technical College Education, New River Community and Technical College, fund 0600, fiscal year 2022, organization 0445; to the West Virginia Council for Community and Technical College Education, Pierpont Community and Technical College, fund 0597, fiscal year 2022, organization 0446; to the West Virginia Council for Community and Technical College Education, Blue Ridge Community and Technical College, fund 0601, fiscal year 2022, organization 0447; to the West Virginia Council for Community and Technical College Education, West Virginia University of Parkersburg, fund 0351, fiscal year 2022, organization 0464; to the West Virginia Council for Community and Technical College Education, Southern West Virginia Community and Technical College, fund 0380, fiscal year 2022, organization 0487; to the West Virginia Council for Community and Technical College Education, West Virginia Northern Community and Technical College, fund 0383, fiscal year 2022, organization 0489; to the West Virginia Council for Community and Technical College Education, Eastern West Virginia Community and Technical College, fund 0587, fiscal year 2022, organization 0492; to the West Virginia Council for Community



and Technical College Education, BridgeValley Community and Technical College, fund 0618, fiscal year 2022, organization 0493; to the Higher Education Policy Commission, Higher Education Policy Commission – Administration – Control Account, fund 0589, fiscal year 2022, organization 0441; to the Higher Education Policy Commission, West Virginia University – School of Medicine Medical School Fund, fund 0343, fiscal year 2022, organization 0463; to the Higher Education Policy Commission, West Virginia University – General Administrative Fund, fund 0344, fiscal year 2022, organization 0463; to the Higher Education Policy Commission, Marshall University – School of Medicine, fund 0347, fiscal year 2022, organization 0471; to the Higher Education Policy Commission, Marshall University – General Administration Fund, fund 0348, fiscal year 2022, organization 0471; to the Higher Education Policy Commission, West Virginia School of Osteopathic Medicine, fund 0336, fiscal year 2022, organization 0476; to the Higher Education Policy Commission, Bluefield State College, fund 0354, fiscal year 2022, organization 0482; to the Higher Education Policy Commission, Concord University, fund 0357, fiscal year 2022, organization 0483; to the Higher Education Policy Commission, Fairmont State University, fund 0360, fiscal year 2022, organization 0484; to the Higher Education Policy Commission, Glenville State College, fund 0363, fiscal year 2022, organization 0485; to the Higher Education Policy Commission, Shepherd University, fund 0366, fiscal year 2022, organization 0486; to the Higher Education Policy Commission, West Liberty University, fund 0370, fiscal year 2022, organization 0488; to the Higher Education Policy Commission, West Virginia State University, fund 0373, fiscal year 2022, organization 0490; to the Higher Education Policy Commission, Higher Education Policy Commission – Administration – West Virginia Network for Educational Telecomputing (WVNET), fund 0551, fiscal year 2022, organization 0495; to the Miscellaneous Boards and Commissions, Adjutant General – State Militia, fund 0433, fiscal year 2022, organization 0603; to the Department of Transportation, Division of Motor Vehicles, fund 9007, fiscal year 2022, organization 0802; to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2022, organization 0803; to the Executive, Governor's Office – Minority Affairs Fund, fund

1058, fiscal year 2022, organization 0100; to the Executive, Auditor's Office – Land Operating Fund, fund 1206, fiscal year 2022, organization 1200; to the Executive, Auditor's Office – Local Government Purchasing Card Expenditure Fund, fund 1224, fiscal year 2022, organization 1200; to the Executive, Auditor's Office – Securities Regulation Fund, fund 1225, fiscal year 2022, organization 1200; to the Executive, Auditor's Office – Purchasing Card Administration Fund, fund 1234, fiscal year 2022, organization 1200; to the Executive, Auditor's Office – Chief Inspector's Fund, fund 1235, fiscal year 2022, organization 1200; to the Executive, Treasurer's Office – College Prepaid Tuition and Savings Program Administrative Account, fund 1301, fiscal year 2022, organization 1300; to the Executive, Department of Agriculture – Agriculture Fees Fund, fund 1401, fiscal year 2022, organization 1400; to the Executive, Department of Agriculture – West Virginia Rural Rehabilitation Program, fund 1408, fiscal year 2022, organization 1400; to the Executive, Department of Agriculture – General John McCausland Memorial Farm Fund, fund 1409, fiscal year 2022, organization 1400; to the Executive, Department of Agriculture – Farm Operating Fund, fund 1412, fiscal year 2022, organization 1400; to the Executive, Department of Agriculture – Donated Food Fund, fund 1446, fiscal year 2022, organization 1400; to the Executive, Attorney General – Preneed Burial Contract Regulation Fund, fund 1513, fiscal year 2022, organization 1500; to the Executive, Secretary of State – Service Fees and Collection Account, fund 1612, fiscal year 2022, organization 1600; to the Executive, Secretary of State – General Administrative Fees Account, fund 1617, fiscal year 2022, organization 1600; to the Department of Administration, Department of Administration – Division of Finance – Shared Services Section Fund, fund 2020, fiscal year 2022, organization 0209; to the Department of Administration, Division of Information Services and Communications, fund 2220, fiscal year 2022, organization 0210; to the Department of Administration, Division of Purchasing – Vendor Fee Fund, fund 2263, fiscal year 2022, organization 0213; to the Department of Administration, Division of Purchasing – Purchasing Improvement Fund, fund 2264, fiscal year 2022, organization 0213; to the Department of Administration, Fleet Management Division Fund, fund 2301,

fiscal year 2022, organization 0216; to the Department of Administration, Division of Personnel, fund 2440, fiscal year 2022, organization 0222; to the Department of Administration, West Virginia Prosecuting Attorneys Institute, fund 2521, fiscal year 2022, organization 0228; to the Department of Administration, Office of Technology – Chief Technology Officer Administration Fund, fund 2531, fiscal year 2022, organization 0231; to the Department of Commerce, Division of Forestry – Timbering Operations Enforcement Fund, fund 3082, fiscal year 2022, organization 0305; to the Department of Commerce, Division of Labor – HVAC Fund, fund 3186, fiscal year 2022, organization 0308; to the Department of Commerce, Division of Labor – Elevator Safety Fund, fund 3188, fiscal year 2022, organization 0308; to the Department of Commerce, Division of Labor – Steam Boiler Fund, fund 3189, fiscal year 2022, organization 0308; to the Department of Commerce, Division of Labor – Crane Operator Certification Fund, fund 3191, fiscal year 2022, organization 0308; to the Department of Commerce, Division of Labor – Amusement Rides and Amusement Attraction Safety Fund, fund 3192, fiscal year 2022, organization 0308; to the Department of Commerce, Division of Labor – State Manufactured Housing Administration Fund, fund 3195, fiscal year 2022, organization 0308; Department of Commerce, Division of Labor – Bedding and Upholstery Fund, fund 3198, fiscal year 2022, organization 0308; to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources, fund 3200, fiscal year 2022, organization 0310; to the Department of Commerce, Division of Natural Resources – Nongame Fund, fund 3203, fiscal year 2022, organization 0310; to the Department of Commerce, Division of Natural Resources – Planning and Development Division, fund 3205, fiscal year 2022, organization 0310; to the Department of Commerce, Division of Natural Resources – Whitewater Study and Improvement Fund, fund 3253, fiscal year 2022, organization 0310; to the Department of Commerce, Division of Miners' Health, Safety and Training – Special Health, Safety and Training Fund, fund 3355, fiscal year 2022, organization 0314; to the Department of Commerce, Department of Commerce – Office of the Secretary – Marketing and Communications Operating Fund, fund 3002, fiscal year 2022, organization 0327; to the Department of

Economic Development, Department of Economic Development – Office of the Secretary – Office of Coalfield Community Development, fund 3162, fiscal year 2022, organization 0307; to the Department of Education, School Building Authority, fund 3959, fiscal year 2022, organization 0404; to the Department of Arts, Culture, and History, Division of Culture and History – Public Records and Preservation Revenue Account, fund 3542, fiscal year 2022, organization 0432; to the Department of Environmental Protection, Solid Waste Management Board, fund 3288, fiscal year 2022, organization 0312; to the Department of Environmental Protection, Division of Environmental Protection – Hazardous Waste Management Fund, fund 3023, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Air Pollution Education and Environment Fund, fund 3024, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Special Reclamation Fund, fund 3321, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Oil and Gas Reclamation Fund, fund 3322, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Oil and Gas Operating Permit and Processing Fund, fund 3323, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Mining and Reclamation Operations Fund, fund 3324, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Underground Storage Tank Administrative Fund, fund 3325, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Hazardous Waste Emergency Response Fund, fund 3331, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Solid Waste Reclamation and Environmental Response Fund, fund 3332, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Solid Waste Enforcement Fund, fund 3333, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of

Environmental Protection – Air Pollution Control Fund, fund 3336, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Environmental Laboratory Certification Fund, fund 3340, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Recycling Assistance Fund, fund 3487, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Mountaintop Removal Fund, fund 3490, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Oil and Gas Conservation Commission – Special Oil and Gas Conservation Fund, fund 3371, fiscal year 2022, organization 0315; to the Department of Health and Human Resources, Division of Health – The Vital Statistics Account, fund 5144, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund, fund 5163, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Division of Health – The Health Facility Licensing Account, fund 5172, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, fund 5214, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, West Virginia Health Care Authority – Health Care Cost Review Fund, fund 5375, fiscal year 2022, organization 0507; to the Department of Health and Human Resources, West Virginia Health Care Authority – Certificate of Need Program Fund, fund 5377, fiscal year 2022, organization 0507; to the Department of Health and Human Resources, Division of Human Services – Health Care Provider Tax – Medicaid State Share Fund, fund 5090, fiscal year 2022, organization 0511; to the Department of Health and Human Resources, Division of Human Services – Medical Services Trust Fund, fund 5185, fiscal year 2022, organization 0511; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Parolee Supervision Fees, fund 6362, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Regional Jail and Correctional Facility Authority, fund 6675, fiscal year 2022, organization 0608; to the Department of Homeland Security, West

Virginia State Police – Motor Vehicle Inspection Fund, fund 6501, fiscal year 2022, organization 0612; to the Department of Homeland Security, West Virginia State Police – Forensic Laboratory Fund, fund 6511, fiscal year 2022, organization 0612; to the Department of Homeland Security, West Virginia State Police – Central Abuse Registry Fund, fund 6527, fiscal year 2022, organization 0612; to the Department of Homeland Security, Fire Commission – Fire Marshal Fees, fund 6152, fiscal year 2022, organization 0619; to the Department of Homeland Security, Division of Administrative Services – WV Community Corrections Fund, fund 6386, fiscal year 2022, organization 0623; to the Department of Homeland Security, Division of Administrative Services – Court Security Fund, fund 6804, fiscal year 2022, organization 0623; to the Department of Revenue, Division of Financial Institutions, fund 3041, fiscal year 2022, organization 0303; to the Department of Revenue, Tax Division – Cemetery Company Account, fund 7071, fiscal year 2022, organization 0702; to the Department of Revenue, Tax Division – Special Audit and Investigative Unit, fund 7073, fiscal year 2022, organization 0702; to the Department of Revenue, Tax Division – Wine Tax Administration Fund, fund 7087, fiscal year 2022, organization 0702; to the Department of Revenue, Tax Division – Local Sales Tax and Excise Tax Administration Fund, fund 7099, fiscal year 2022, organization 0702; to the Department of Revenue, Insurance Commissioner – Examination Revolving Fund, fund 7150, fiscal year 2022, organization 0704; to the Department of Revenue, Insurance Commissioner – Consumer Advocate, fund 7151, fiscal year 2022, organization 0704; to the Department of Revenue, Insurance Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2022, organization 0704; to the Department of Revenue, Municipal Bond Commission, fund 7253, fiscal year 2022, organization 0706; to the Department of Revenue, Racing Commission – Administration and Promotion Account, fund 7304, fiscal year 2022, organization 0707; to the Department of Revenue, Racing Commission – General Administration, fund 7305, fiscal year 2022, organization 0707; to the Department of Revenue, Racing Commission – Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account, fund 7307, fiscal year

2022, organization 0707; to the Department of Revenue, Alcohol Beverage Control Administration, fund 7352, fiscal year 2022, organization 0708; to the Department of Transportation, Division of Motor Vehicles – Motor Vehicle Fees Fund, fund 8223, fiscal year 2022, organization 0802; to the Bureau of Senior Services, Bureau of Senior Services – Community Based Service Fund, fund 5409, fiscal year 2022, organization 0508; to the Higher Education Policy Commission, Higher Education Policy Commission – System – Tuition Fee Capital Improvement Fund (Capital Improvement and Bond Retirement Fund) Control Account, fund 4903, fiscal year 2022, organization 0442; to the Higher Education Policy Commission, West Virginia University – West Virginia University Health Sciences Center, fund 4179, fiscal year 2022, organization 0463; to the Miscellaneous Boards and Commissions, Board of Barbers and Cosmetologists – Barbers and Beauticians Special Fund, fund 5425, fiscal year 2022, organization 0505; to the Miscellaneous Boards and Commissions, State Armory Board – General Armory Fund, fund 6057, fiscal year 2022, organization 0603; to the Miscellaneous Boards and Commissions, WV State Board of Examiners for Licensed Practical Nurses – Licensed Practical Nurses, fund 8517, fiscal year 2022, organization 0906; to the Miscellaneous Boards and Commissions, WV Board of Examiners for Registered Professional Nurses – Registered Professional Nurses, fund 8520, fiscal year 2022, organization 0907; to the Miscellaneous Boards and Commissions, Public Service Commission, fund 8623, fiscal year 2022, organization 0926; to the Miscellaneous Boards and Commissions, Public Service Commission – Gas Pipeline Division – Public Service Commission Pipeline Safety Fund, fund 8624, fiscal year 2022, organization 0926; to the Miscellaneous Boards and Commissions, Public Service Commission – Motor Carrier Division, fund 8625, fiscal year 2022, organization 0926; to the Miscellaneous Boards and Commissions, Public Service Commission – Consumer Advocate Fund, fund 8627, fiscal year 2022, organization 0926; to the Miscellaneous Boards and Commissions, Real Estate Commission – Real Estate License Fund, fund 8635, fiscal year 2022, organization 0927; to the Miscellaneous Boards and Commissions, WV Board of Examiners for Speech-Language Pathology and Audiology – Speech-Language Pathology and

Audiology Operating Fund, fund 8646, fiscal year 2022, organization 0930; to the Miscellaneous Boards and Commissions, WV Board of Respiratory Care – Board of Respiratory Care Fund, fund 8676, fiscal year 2022, organization 0935; to the Miscellaneous Boards and Commissions, Massage Therapy Licensure Board – Massage Therapist Board Fund, fund 8671, fiscal year 2022, organization 0938; to the Miscellaneous Boards and Commissions, Board of Medicine – Medical Licensing Board Fund, fund 9070, fiscal year 2022, organization 0945; to the Miscellaneous Boards and Commissions, West Virginia Enterprise Resource Planning Board – Enterprise Resource Planning System Fund, fund 9080, fiscal year 2022, organization 0947; to the Department of Tourism – Office of the Secretary, fund 3067, fiscal year 2022, organization 0304; to the Division of Natural Resources, fund 3267, fiscal year 2022, organization 0310; to the State Board of Education, fund 3951, fiscal year 2022, organization 0402; to the Division of Culture and History – Lottery Education Fund, fund 3534, fiscal year 2022, organization 0432; to the Higher Education Policy Commission – Lottery Education – Higher Education Policy Commission – Control Account, fund 4925, fiscal year 2022, organization 0441; to the Higher Education Policy Commission – Lottery Education – West Virginia University – School of Medicine, fund 4185, fiscal year 2022, organization 0463; Higher Education Policy Commission – Lottery Education – Marshall University – School of Medicine, fund 4896, fiscal year 2022, organization 0471; to the Bureau of Senior Services – Lottery Senior Citizens Fund, fund 5405, fiscal year 2022, organization 0508; to the Executive, Department of Agriculture, fund 8736, fiscal year 2022, organization 1400; to the Executive, Department of Agriculture – Meat Inspection Fund, fund 8737, fiscal year 2022, organization 1400; to the Executive, Attorney General – Medicaid Fraud Unit, fund 8882, fiscal year 2022, organization 1500; to the Department of Commerce, Division of Forestry, fund 8703, fiscal year 2022, organization 0305; to the Department of Commerce, Division of Labor, fund 8706, fiscal year 2022, organization 0308; to the Department of Commerce; Division of Natural Resources, fund 8707, fiscal year 2022, organization 0310; to the Department of Commerce, Division of Miners' Health, Safety and Training, fund 8709, fiscal year 2022,



organization 0314; to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services, fund 8734, fiscal year 2022, organization 0932; to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services – Disability Determination Services, fund 8890, fiscal year 2022, organization 0932; to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 8705, fiscal year 2022, organization 0307; to the Department of Economic Development, Department of Economic Development – Office of Energy, fund 8892, fiscal year 2022, organization 0328; to the Department of Education, State Board of Education – State Department of Education, fund 8712, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – Vocational Division, fund 8714, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – Aid for Exceptional Children, fund 8715, fiscal year 2022, organization 0402; to the Department of Arts, Culture, and History, Division of Culture and History, fund 8718, fiscal year 2022, organization 0432; to the Department of Arts, Culture, and History, Commission for National and Community Service, fund 8841, fiscal year 2022, organization 0432; to the Department of Arts, Culture, and History, Library Commission, fund 8720, fiscal year 2022, organization 0433; to the Department of Environmental Protection, Division of Environmental Protection, fund 8708, fiscal year 2022, organization 0313; to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 8723, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Division of Health – Central Office, fund 8802, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Human Rights Commission, fund 8725, fiscal year 2022, organization 0510; to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2022, organization 0511; to the Department of Homeland Security, Division of Emergency Management, fund 8727, fiscal year 2022, organization 0606; to the Department of Homeland Security, West Virginia State Police, fund 8741, fiscal

year 2022, organization 0612; to the Department of Homeland Security, Division of Administrative Services, fund 8803, fiscal year 2022, organization 0623; to the Department of Transportation, Division of Public Transit, fund 8745, fiscal year 2022, organization 0805; to the Department of Veterans' Assistance, Department of Veterans' Assistance, fund 8858, fiscal year 2022, organization 0613; to the Department of Veterans' Assistance, Department of Veterans' Assistance – Veterans' Home, fund 8728, fiscal year 2022, organization 0618; to the Bureau of Senior Services, Bureau of Senior Services, fund 8724, fiscal year 2022, organization 0508; to the Miscellaneous Boards and Commissions, Adjutant General – State Militia, fund 8726, fiscal year 2022, organization 0603; to the Miscellaneous Boards and Commissions, Public Service Commission – Motor Carrier Division, fund 8743, fiscal year 2022, organization 0926; to the Miscellaneous Boards and Commissions, Public Service Commission – Gas Pipeline Division, fund 8744, fiscal year 2022, organization 0926; to the Miscellaneous Boards and Commissions, National Coal Heritage Area Authority, fund 8869, fiscal year 2022, organization 0941; to the Department of Economic Development – Office of the Secretary – Community Development, fund 8746, fiscal year 2022, organization 0307; to the WorkForce West Virginia – Workforce Investment Act, fund 8749, fiscal year 2022, organization 0323; to the Division of Health – Maternal and Child Health, fund 8750, fiscal year 2022, organization 0506; to the Division of Health – Preventive Health, fund 8753, fiscal year 2022, organization 0506; to the Division of Health – Substance Abuse Prevention and Treatment, fund 8793, fiscal year 2022, organization 0506; to the Division of Health – Community Mental Health Services, fund 8794, fiscal year 2022, organization 0506; to the Division of Human Services – Energy Assistance, fund 8755, fiscal year 2022, organization 0511; to the Division of Human Services – Social Services, fund 8757, fiscal year 2022, organization 0511; to the Division of Human Services – Temporary Assistance for Needy Families, fund 8816, fiscal year 2022, organization 0511; and to the Division of Human Services – Child Care and Development, fund 8817, fiscal year 2022, organization 0511.

Referred to the Committee on Finance.

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

**Senate Bill 517**—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022, in the amount of \$22,500,000 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund.

Referred to the Committee on Finance.

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

**Senate Bill 518**—A Bill to amend and reenact §30-7-2 of the Code of West Virginia, 1931, as amended, relating to allowing eligible professional nurses and advance practice registered nurses, or the equivalent, to practice in West Virginia; providing for registration with the West Virginia Board of Examiners for Registered Professional Nurses; providing for timely consideration and approval or denial of applications for registration; and revising the style of certain phrases.

Referred to the Committee on Health and Human Resources.

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

**Senate Bill 519**—A Bill to repeal §15A-8-1, §15A-8-2, and §15A-8-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §15A-3-2 and §15A-3-16 of said code, all relating to the repeal of the article governing the Regional Jail and Correctional Facility Authority Board; abolishing the Regional Jail and Correctional Facility Authority Board; eliminating the requirement that special revenue funds be used by the Regional Jail and Correctional Facility Authority Board to pay indebtedness; and making other technical corrections.

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

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

**Senate Bill 520**—A Bill to amend and reenact §61-3C-4 of the Code of West Virginia, 1931, as amended, relating to increasing the financial penalties in regard to any person who, knowingly and willfully, directly or indirectly, accesses or causes to be accessed any computer, computer services, or computer network for purposes of executing any scheme or artifice to defraud or obtaining money, property, or services by means of fraudulent pretenses, representations, or promises; increasing the financial penalties in regard to any person who, with intent to extort money or other consideration from another, that introduces ransomware into any computer, computer system or computer network; and providing for restitution to the state, state agencies, and political subdivisions for damages.

Referred to the Committee on the Judiciary.

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

**Senate Bill 521**—A Bill to amend and reenact §5A-3-1, §5A-3-3, §5A-3-4, §5A-3-10, §5A-3-10a, §5A-3-11, §5A-3-12, §5A-3-17, §5A-3-18, §5A-3-29, §5A-3-35, and §5A-3-45 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6D-1-2 of said code, all relating generally to making the procurement process more efficient by modifying and updating outdated processes and requirements and encouraging earlier communication with and assistance from experts within the Purchasing Division regarding manner and process of procurement of commodities and services by the various spending units of the state; eliminating outdated audit references of exempted agencies; allowing the director to exempt transactions from certain requirements; clarifying that grant recipients not pay registration fees as a vendor; authorizing other procurement methods in lieu of formal competitive bidding when determined to be in the best interest of the state; increasing delegated procurement limits in the director's discretion; making procurement from nonprofit workshops optional; clarifying timing required on rebidding; changing the requirement for an affidavit verifying that no debt is

owed to an affirmation; providing the Purchasing Division Director with discretion in increasing the \$2,500 no-bid limit; eliminating outdated information reporting requirements for vendor registration; clarifying procurement penalties and inventory submission language; removing surplus fees for inter agency asset transfers; requiring inter agency asset transfers be recorded in accordance with governmental accounting standards; and shifting the collection of the interested party disclosure information from contract award to before work begins in an effort to make the procurement process.

Referred to the Committee on Government Organization.

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

**Senate Bill 522**—A Bill to amend and reenact §5A-1-11 of the Code of West Virginia, 1931, as amended, relating to combining the offices of the West Virginia State Americans with Disabilities Act Office and the West Virginia Equal Employment Opportunity Office within the Department of Administration; creating the position of State Equal Opportunity Coordinator; establishing qualifications for the position; setting forth how the State Equal Opportunity Coordinator is selected; outlining scope of responsibilities; authorizing access to personnel records to monitor compliance and advise state agencies; renaming Americans with Disabilities Coordinator Fund; and making other technical changes.

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

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

**Senate Bill 523**—A Bill to repeal §12-7-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §12-7-2, §12-7-3, §12-7-4, and §12-7-5 of said code; and to amend and reenact §31-15-6 of said code, all relating to management and control of jobs investment trust to be vested in the West Virginia Economic Development Authority; and terminating the Jobs Investment Trust Board.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

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

**Senate Bill 524**—A Bill to repeal §10-1-12, §10-1-13, §10-1-14, §10-1-14a, §10-1-15, §10-1-16, §10-1-17, §10-1-18, §10-1-18a, §10-1-19, §10-1-20, §10-1-21, §10-1-22, §10-1-23, and §10-1-24 of the Code of West Virginia, 1931, as amended; to repeal §29-27-1, §29-27-2, §29-27-3, §29-27-4, §29-27-5, and §29-27-6 of said code; to amend and reenact §5F-2-1 of said code; to amend and reenact §29-1-1 of said code; and to amend said code by adding thereto two new sections, designated §29-1-8c and §29-1-8d, all relating to placing the duties and functions of certain boards and commissions under the Department of Arts, Culture, and History; repealing certain sections related to the powers and authorities of the State Library Commission; creating a state library section in the Department of Arts, Culture, and History; amending the makeup of the State Library Advisory Commission; providing for a state library director; providing powers and duties of the state library section; providing powers and duties of the State Library Advisory Commission; creating the National Coal Heritage Area Commission; providing for the makeup of the National Coal Heritage Area Commission; setting forth the powers and duties of the National Coal Heritage Area Commission; and repealing the article related to the National Coal Heritage Area Authority.

Referred to the Committee on Government Organization.

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

**Senate Bill 525**—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022, in the amount of \$125,000 from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits.

Referred to the Committee on Finance.

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

**Senate Bill 526**—A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Department of Commerce – Office of the Secretary, fund 0606, fiscal year 2022, organization 0327, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

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

**Senate Bill 527**—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 Administration, Office of Technology, fund 0204, fiscal year 2022, organization 0231, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the Budget Bill for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

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

**Senate Bill 528**—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 Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

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

**Senate Bill 529**—A Bill to amend and reenact §18-2-12 of the Code of West Virginia, 1931, as amended, relating to computer science education in West Virginia schools; recognizing a need to provide coursework on computational thinking, block-based programming, text-based programming, network communication, computer architecture, and cyber security; and requiring the board to update and build upon prior computer science education plans to include additional subject matter.

Referred to the Committee on Education.

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

**Senate Bill 530**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-6b; and to amend and reenact §17-27-3, §17-27-4, §17-27-5, §17-27-7, §17-27-8, §17-27-9, §17-27-11, §17-27-13, §17-27-14, §17-27-15, and §17-27-16 of said code, all relating to encouraging public-private partnerships related to transportation facilities; providing coal severance tax escrow fund for the state portion of coal severance taxes paid on a public-private transportation facility; authorizing the Division of Highways to repay collected tax in escrow to the private entities; cleaning up antiquated language; clarifying the roles of the division, public entities, and developers; simplifying the public-private partnership review process; clarifying that the Commissioner of the Division of Highways may approve or modify the division's rankings, authorize negotiations, and a comprehensive agreement with the highest ranking developer, or reject all proposals; providing that the division is not obligated to accept, consider, or review unsolicited conceptual proposals, but may choose to do so; providing that no obligation or liability attached to either party if they are unable to reach an agreement; providing that the division may negotiate a comprehensive agreement with the next highest ranked developer if an agreement cannot be reached with the highest ranked developer; clarifying the extent to which the division may utilize condemnation if it is found the project serves



a public purpose or the developer is in material default; and exempting public-private partnership agreements from statutory government construction contract requirements.

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

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

**Senate Bill 531**—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §18A-4-2 of said code; and to amend and reenact §18A-4-8a of said code, all relating to increasing annual salaries of certain employees of the state; increasing the salaries of members of the West Virginia State Police and certain personnel thereof; increasing annual salaries of public school teachers; increasing annual salaries of school service personnel; and providing an effective date for these increases.

Referred to the Committee on Finance.

**By Senators Nelson, Azinger, Clements, Lindsay, and Trump:**

**Senate Bill 532**—A Bill to amend and reenact §8-22-25a of the Code of West Virginia, 1931, as amended, relating to requiring actuarial reports to be prepared and presented to the Legislature's Joint Committee on Pensions and Retirement regarding active deferred retirement option plans every five years.

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

**By Senator Tarr:**

**Senate Bill 533**—A Bill to amend and reenact §11-19-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-19-13; and to amend said code by adding thereto a new section, designated §33-3-14b, all relating to funding for health sciences and medical schools in this state; eliminating the direction of proceeds of the soda tax into special medical school fund; providing for the eventual elimination

of the tax; providing for a sunset date; directing a portion of insurance premium tax to health sciences and medical schools in this state; setting out findings; providing for specific amounts to be directed to Health Sciences Center at West Virginia University, Marshall University School of Medicine, and West Virginia Osteopathic School; and providing that the amounts directed from premium tax shall not limit total appropriation to the health sciences and medical schools.

Referred to the Committee on Finance.

**By Senator Azinger:**

**Senate Bill 534**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-24, relating to clarifying that any secondary source on insurance is not controlling authority.

Referred to the Committee on the Judiciary.

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

**Senate Bill 535**—A Bill to amend and reenact §18A-3-6 of the Code of West Virginia, 1931, as amended, relating to revocation of school personnel certification or licensure; including personnel licensed under §18A-3-2a of this code; and providing that licensure or certification may be revoked upon a finding of abuse by the West Virginia Department of Health and Human Resources.

Referred to the Committee on the Judiciary.

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

**Senate Bill 536**—A Bill to amend and reenact §60A-4-401, §60A-4-409, and §60A-4-415 of the Code of West Virginia, 1931, as amended, relating to knowingly possessing or manufacturing, or possessing with the intent to deliver fentanyl, and importing and transporting fentanyl through the state of West Virginia; clarifying the statutes to reference mandatory sentencing provisions for felony fentanyl crimes promulgated through the amendment and reenactment of §60A-4-415 of this code; increasing the minimum

term of imprisonment for felony fentanyl related offenses; noting that any person convicted of manufacturing, delivering, or transporting into the state or possessing fentanyl, or conspiring to manufacture, deliver, or transport into the state or possessing fentanyl either alone or in combination with another substance, is not eligible for probation; noting that any person convicted of manufacturing, delivering, or transporting into the state or possessing fentanyl, either alone or in combination with another substance, is not eligible for parole; enhancing penalties for transportation of fentanyl into the state and for the possession, manufacture, and delivery of fentanyl within the state when certain aggravating factors exist at the time of the offense; to-wit, the person has one or more prior convictions for an offense relating to possessing, manufacturing, or delivering controlled substances; the person possesses a firearm or any other dangerous weapon; the person utilizes, enlists, or solicits the aid of, or conspires with a juvenile to illegally import fentanyl; noting that any person who violates the aggravating provisions in this section shall be imprisoned for a definite term not less than 15 nor more than 20 years, and fined an amount twice that otherwise authorized; increasing the fines to which a person convicted of transporting fentanyl into the state may be subject.

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

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

**Senate Bill 537**—A Bill to amend and reenact §15-1B-26 of the Code of West Virginia, 1931, as amended, relating to provide for additional firefighters and security guards for the National Guard.

Referred to the Committee on Government Organization.

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

**Senate Bill 538**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2L-1, §5B-2L-2, §5B-2L-3, §5B-2L-4, §5B-2L-5, §5B-2L-6, §5B-

2L-7, §5B-2L-8, §5B-2L-9, §5B-2L-10, §5B-2L-11, §5B-2L-12, §5B-2L-13, §5B-2L-14, §5B-2L-15, §5B-2L-16, and §5B-2L-17, all relating to establishing the BUILD WV Act; providing legislative findings and purpose; authorizing rule-making authority; providing for the application of the West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; providing effective and expiration dates; exempting the construction contractors of certified BUILD WV projects from the consumers sales and service tax and use tax; authorizing municipalities to provide exemptions to business and occupation taxes; establishing a property value adjustment tax credit; providing for the determination of amount and application of the property value adjustment tax credit; requiring; providing that the property value adjustment tax credit entitlement is retained by eligible taxpayers that have developed project property; providing for credit recapture, interest, penalties, additions to tax, and statute of limitations; providing for certified BUILD WV districts and the procedure for designation; granting authority to the Department of Economic Development to administer BUILD WV; providing for the application and procedures for BUILD WV projects; and requiring agreements between the Department of Economic Development and BUILD WV project participants.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

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

**Senate Bill 539**—A Bill to repeal §17-16B-1, §17-16B-2, §17-16B-3, §17-16B-5, §17-16B-6, §17-16B-7, §17-16B-7a, §17-16B-7b, §17-16B-8, §17-16B-9, §17-16B-10, §17-16B-11, §17-16B-12, §17-16B-13, §17-16B-14, §17-16B-15, §17-16B-16, §17-16B-17, §17-16B-18, §17-16B-19, §17-16B-20, §17-16B-21, and §17-16B-22 of the Code of West Virginia, 1931, as amended; to repeal §17-16C-1, §17-16C-2, §17-16C-3, and §17-16C-5 of the Code of West Virginia, 1931, as amended; to repeal §29-2A-1, §29-2A-2, §29-2A-3, §29-2A-4, §29-2A-5, §29-2A-6, §29-2A-7, §29-2A-8, §29-2A-10, §29-2A-11, §29-2A-11a, §29-2A-11b, §29-2A-11c, §29-2A-11d, §29-2A-11e, §29-2A-11f, §29-2A-12, §29-2A-13,

§29-2A-14, and §29-2A-20 of said code; to repeal §29-18-1, §29-18-2, §29-18-3, §29-18-4, §29-18-4a, §29-18-5, §29-18-6, §29-18-7, §29-18-8, §29-18-9, §29-18-10, §29-18-11, §29-18-12, §29-18-13, §29-18-14, §29-18-15, §29-18-16, §29-18-17, §29-18-18, §29-18-19, §29-18-20, §29-18-21, §29-18-22, §29-18-23, §29-18-24, and §29-18-25 of said code; and to amend said code by adding thereto a new article, designated §17-16F-1, §17-16F-2, §17-16F-3, §17-16F-4, §17-16F-5, §17-16F-6, §17-16F-7, §17-16F-8, §17-16F-9, §17-16F-10, §17-16F-11, §17-16F-12, §17-16F-13, §17-16F-14, §17-16F-15, §17-16F-16, §17-16F-17, §17-16F-18, §17-16F-19, §17-16F-20, §17-16F-21, §17-16F-22, §17-16F-23, §17-16F-24, §17-16F-25, §17-16F-26, §17-16F-27, §17-16F-28, §17-16F-29, §17-16F-30, §17-16F-31, §17-16F-32, §17-16F-33, and §17-16F-34, all relating to creating the Division of Multimodal Transportation and combining the powers and duties and eliminating certain references to the Public Port Authority, the West Virginia State Rail Authority, and the state Aeronautics Commission; providing for legislative findings and creation of the division; transferring employees, equipment, assets, liabilities, contracts, agreements, functions, and duties to the division or its sections; providing for all property currently held by the Public Port Authority, the West Virginia State Rail Authority, and the state Aeronautics Commission to be transferred to the division; authorizing the Secretary of the Department of Transportation to appoint the commissioner; establishing general powers and duties of the commissioner; defining terms; establishing the powers and duties of the division generally; requiring the division to promote, supervise and support safe, adequate and efficient transportation, preserve rail, water and airway facilities and promote economic development and tourism; authorizing division to work cooperatively with similar entities within and without the state; providing for siting, development and operation of facilities; authorizing employment of trained and qualified staff and consultants and compensating therefor; providing the right to enter into contracts and agreements; authorizing acquisition of various types and interests in property to be held in the name of the state; authorizing use of eminent domain; authorizing acquisition and disposal of property by various means; authorizing interagency cooperation; authorizing division to act on behalf of the state in

planning, financing, development, construction and operation of port, railroad and aeronautic projects or facilities; reporting annually to Legislature on status of projects, operations, finances, and related information; authorizing study and assessment of state transportation needs; authorizing use of various financing options including issuing revenue bonds and receipt of grants and loans; authorizing division to make grants and loans to governmental agencies and persons for multimodal transportation projects; permitting collection of reasonable fees and charges connected to making and servicing loans, notes, bonds, and other obligations; granting rule-making authority to the division; continuing all rules, policies, and orders of the combined entities until revised and reissued by the division; requiring strategic plan and reports to the Governor and the Legislature; requiring collection and analysis of shipping through state ports; providing for confidentiality of collected information and providing criminal penalty for violation; providing that division employees may not have direct or indirect financial interest in contracts, sale of property of the division, and providing criminal penalty for violation; providing that activities of division are for public purpose; authorizing the division to use certain property or facilities of a public utility, common carrier, public road or railroad for certain public projects; requiring the division to relocate any such property or facilities; providing for rules regarding relocation or removal of railroad or public utility located on division property; requiring the division to pay for said relocation or removal; encouraging participation of private enterprise in construction and operation of facilities; authorizing lease back to division; authorizing development of foreign trade zones, free trade zones, ports of entry, and customs zones; providing for specific duties related to port projects; authorizing the division to act on behalf of the state in developing, operating, improving, and maintaining ports; authorizing the division to coordinate and cooperate with other port entities; creating the West Virginia Multimodal Operations Fund and transference of funds and liabilities of the West Virginia Public Port Authority Operations Fund; providing for specific duties related to rail projects; authorizing the exercise of powers necessary to qualify for federal subsidies; authorizing various means to carry out rail projects that are consistent with state plan with other entities;

providing authority for the division to establish, fund, construct, reconstruct, acquire, repair, replace, operate, maintain, and make available to other entities railroad projects; providing that research and development of railroads may be conducted; providing that contracts may be entered into to acquire various rolling stock, equipment or trackage, and providing the requirements therefor; providing for the authority to enter into agreements that are beneficial to railroad projects notwithstanding other code provisions, including the authority to reject bids; authorizing division to purchase various types of insurance; authorizing the collection of fees for use of rail projects; providing for the administration and coordination of a state plan, including the distribution of federal subsidies; providing for investigation, research, promotion, and development with public participation; authorizing the provision of fiscal assurances and adoption of accounting procedures necessary to continue subsidies; authorizing compliance with applicable federal regulations; authorizing all actions necessary to maximize federal assistance for rail subsidies; providing powers necessary to coordinate with the Maryland Transit Administration for continued operation in the state, including negotiation and contracting authority; providing that any commuter rail operation agreement will meet certain service standards; providing that any track access fees to be paid pursuant to the agreement shall be paid from the West Virginia Commuter Rail Access Fund; authorizing sale or transfer of interest in rail property with federal approval when required; authorizing assistance to entities seeking federal railroad service certification, including the provision of any necessary assurances or guarantees; authorizing division to retain attorney or others to title ownership of rail properties within the state; requiring rail properties offered for sale within the state to be offered first to the state; providing that division may acquire railroad rights in other states and may cooperate with other states in so purchasing any rail properties; providing for the division to give consideration to county or municipality interest in acquiring abandoned property interest and providing for the division to acquire any such abandoned property for subsequent conveyance to a county or municipality; authorizing the division to apply for and utilize federal funds or loans in carrying out its purposes of this article; authorizing the purchase of

any railroad rolling stock, equipment and machinery necessary for the operation and maintenance of state rail properties and authorizing contracts with the Division of Highways for maintenance or purchase of vehicles; authorizing maintenance, rebuilding or relocation of state rail properties and authorizing expenditures for the modernization, rebuilding and relocation of any rail properties owned by the state or private carrier; providing for contracting with domestic or foreign entities to provide, maintain or improve rail transportation service on state rail properties; providing for transfer of rail properties to other entities within the state when permitted by the Governor; authorizing the division to resolve conflicts when multiple entities want to utilize the same rail property; providing for proceeds from the sale of state rail property to be deposited in Railroad Maintenance Fund; terminating Railroad Maintenance Authority Fund and creating a Railroad Maintenance Fund for proceeds and expenditures related to division's purpose; authorizing expenditure from any fund for study of proposed rail projects and use of funds from Railroad Maintenance Fund for study and engineering costs; authorizing the issuance of railroad maintenance revenue bonds and notes for costs of rail projects, including issuance of renewal notes and bond refund, with aggregate amount of all issues of bonds and notes outstanding at one time not exceeding amount capable of being serviced by revenues received; providing that issues of bonds or notes are negotiable instruments and are obligations of the division and are payable out of the revenues which are pledged for such payment; providing for maturity date, terms of execution, sale, redemption and delivery; authorizing the establishment of various conditions necessary to secure sufficient funds to protect bonds or notes; providing that person executing bonds or notes is not personally liable therefor; providing for trust agreement to secure bonds issued by division and creating conditions therefor, not including mortgage of any rail project; allocating expenses of bond issuance or trust agreement to rail projects; providing for civil action for bondholders seeking to enforce rights granted; providing that bonds are payable from division revenues and are not a debt of state or political subdivision; restricting division from incurring debt on behalf of state or political subdivision; authorizing use of proceeds from bonds to carry out division's powers and prohibiting



commingling with other funds; providing for the investment of excess funds by West Virginia State Board of Investments; authorizing division to collect rents or revenues for use of rail projects; providing for cooperation with other governmental agencies to effect acquisition of rail project or bond issuance; authorizing division to maintain rail projects in good repair; providing that railroad maintenance bonds are lawful investments for various entities; continuing West Virginia Commuter Rail Access Fund which is administered by division commissioner; requiring division to establish a state rail plan that complies with federal requirements for funding; providing specific powers and duties for director of public transit; designation of public transit as the agency of the state responsible for administering all federal and state programs related to public transportation; providing for assistance and cooperation of other state agencies with all multimodal sections; providing for specific duties related to aeronautics projects; authorizing division to advance development of aeronautics in cooperation with municipalities; authorizing rules necessary for public safety related to airports and aeronautics; authorizing division to fund grants for public airport authorities; authorizing division to receive federal funding to support airports or air navigation facilities; providing for procedures and conditions for use of federal funds; requiring a federal license to operate an aircraft; allowing for the use of state and municipal facilities and services; disposing of fees collected under this code section; and providing a severability clause.

Referred to the Committee on Government Organization.

**By Senator Nelson:**

**Senate Bill 540**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-15-28, all relating to municipal fire departments; providing for municipal fire departments to provide service weapons to municipal fire marshal upon retirement in certain circumstances; and allowing the sale of retired service weapons to active and retired fire marshals.

Referred to the Committee on the Judiciary.

**By Senator Azinger:**

**Senate Bill 541**—A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to requiring the results of a homeschooled child's academic assessment be submitted by June 30 of the first year in which the child was homeschooled rather than at grades three, five, eight, and 11; and providing that when the results indicate that the child is making adequate academic progress, no further assessment results must be submitted.

Referred to the Committee on Education.

**By Senators Maynard, Swope, and Sybolt:**

**Senate Bill 542**—A Bill to amend and reenact §31G-1-3 of the Code of West Virginia, 1931, as amended, relating to transferring the Broadband Enhancement Council from the Department of Commerce to the Department of Economic Development; removing the Secretary of Commerce from the Broadband Enhancement Council; designating the Secretary of the Department of Economic Development as a voting member; and removing archaic language.

Referred to the Committee on Government Organization.

**By Senators Roberts and Tarr:**

**Senate Bill 543**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21A-10-23; relating to authorizing the Commissioner of Workforce West Virginia to create an unemployment compensation insurance fraud unit; establishing training requirements; specifying duties; and granting certain authorities necessary to conduct investigations into alleged unemployment insurance fraud.

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

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

**Senate Bill 544**—A Bill to amend and reenact §12-1-12 of the Code of West Virginia, 1931, as amended, to allow interest and earnings on federal COVID-19 relief moneys to be retained in the

funds or accounts where those moneys are invested; and making said amendments retroactive in application.

Referred to the Committee on Finance.

**By Senator Romano:**

**Senate Bill 545**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-9-1, §12-9-2, and §12-9-3, all relating to creating the Corporate Anti-Subsidy Act; permitting West Virginia to enter into the Interstate Compact Agreement Prohibiting Company-Specific Subsidies; and setting a level playing field that would abolish the nationwide practice of company-specific subsidies that currently pits states against one another.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 546**—A Bill to amend and reenact §18B-10-1c of the code of West Virginia, 1932, as amended; and to amend and reenact §18B-10-8 of said code, all relating to using fees and other money collected from students at institutions of higher education; defining terms; clarifying allowable expenses for the use of tuition and required general fees; providing for fees charged to be used for information technology purposes; allowing for a specified percentage of gross tuition revenue funds to be spent on information technology projects; and establishing what costs are allowable for information technology projects.

Referred to the Committee on Finance.

**By Senator Nelson:**

**Senate Bill 547**—A Bill to amend and reenact §3-8-1a of the Code of West Virginia, 1931, as amended, relating to regulation and control of elections; and updating the definition of "electioneering communication" to be consistent with the Federal Election Commission.

Referred to the Committee on the Judiciary.

**By Senators Roberts and Tarr:**

**Senate Bill 548**—A Bill to amend and reenact §21A-10-11 of the Code of West Virginia, 1931, as amended, relating to authorizing WorkForce West Virginia to obtain information regarding employment classifications and work locations from employers.

Referred to the Committee on the Workforce.

**By Senator Nelson:**

**Senate Bill 549**—A Bill to amend and reenact §5-10-2, §5-10-27b, and §5-10-44 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-2, §7-14D-7a, and §7-14D-9b; to amend and reenact §8-22A-2, §8-22A-8a, and §8-22A-11; to amend and reenact §15-2-25b, §15-2-45, and §15-2-54; to amend and reenact §15-2A-2, §15-2A-6b, and §15-2A-23; to amend and reenact §16-5V-2, §16-5V-8a, and §16-5V-13; to amend and reenact §18-7A-3, §18-7A-14c, and §18-7A-28b; to amend and reenact §18-7B-2, §18-7B-12a, and §18-7B-21; to amend and reenact §20-18-2, §20-18-9, and §20-18-14; and to amend and reenact §51-9-1a, §51-9-12b, and §51-9-18, all relating to updating provisions of the retirement and pension benefits of the West Virginia Public Employees Retirement System, the Deputy Sheriffs' Retirement System, the Municipal Police and Firefighters Retirement System, the State Police Death, Disability and Retirement Fund, the West Virginia State Police Retirement Fund, the Emergency Medical Services Retirement System, the Teachers Retirement System, the Teachers' Defined Contribution Retirement System, the Natural Resources Police Officers Retirement System, and the Judges' Retirement Fund in order to comply with federal law; changing age threshold for plan members born after June 30, 1949; clarifying provisions regarding correction of errors; and amending definitions for each retirement system named here.

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

**By Senator Tarr:**

**Senate Bill 550**—A Bill to amend and reenact §18B-1-1F of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4 of said code; and to amend and reenact §18B-2B-6 of said code, all relating to funding for institutions of higher education; clarifying the powers and duties of the Higher Education Policy Commission; establishing additional criteria for a state college or university to be considered administratively and programmatically exempt; directing the Higher Education Policy Commission to develop and implement a funding formula model; providing that the funding formula shall govern the appropriation requests to the Legislature regarding distribution of general revenue to the state's institutions of higher education; providing for rulemaking; setting forth factors to be included in the rule; setting out factors which may not be included in the rule; clarifying the powers and duties of the West Virginia Council for Community and Technical College Education; allowing for an exemption from oversight by the council in certain circumstances, requiring an independent audit; and providing for the audit annually.

Referred to the Committee on Finance.

**By Senator Beach:**

**Senate Bill 551**—A Bill to repeal §16-2I-1, §16-2I-2, §16-2I-3, §16-2I-4, §16-2I-5, §16-2I-6, §16-2I-7, §16-2I-8, and §16-2I-9 of the Code of West Virginia, 1931, as amended; to repeal §16-2M-1, §16-2M-2, §16-2M-3, §16-2M-4, §16-2M-5, §16-2M-6, and §16-2M-7 of said code; to repeal §16-2O-1 of said code; to repeal §16-2P-1 of said code; to repeal §61-2-8 of said code; and to amend and reenact §30-14-12d of said code, all relating to preserving a woman's right to choose an abortion.

Referred to the Committee on Health and Human Resources.

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

**Senate Bill 552**—A Bill to repeal §11A-3-5, §11A-3-5a, §11A-3-5b, §11A-3-6, §11A-3-7, §11A-3-14, §11A-3-15, §11A-3-16, §11A-3-17, §11A-3-18, §11A-3-19, §11A-3-20, §11A-3-21, §11A-3-22, §11A-3-23, §11A-3-24, §11A-3-25, §11A-3-26,

§11A-3-27, §11A-3-28, §11A-3-29, §11A-3-30, and §11A-3-31 of the Code of West Virginia, 1931, as amended; to amend and reenact §11A-1-3, §11A-1-8, §11A-2-14, §11A-2-18, §11A-3-1, §11A-3-2, §11A-3-4, §11A-3-8, §11A-3-9, §11A-3-10, §11A-3-11, §11A-3-12, §11A-3-13, §11A-3-32, §11A-3-38, §11A-3-42, §11A-3-44, §11A-3-45, §11A-3-46, §11A-3-50, §11A-3-52, §11A-3-54, §11A-3-56, §11A-4-3, §11A-4-4, §16-18-3, §31-18E-9, and §31-21-11; and to amend said code by adding thereto a new section, designated §31-18-20e, all relating to the tax sale process; reducing the rate of interest on delinquent property taxes; modifying the method by which notice is provided regarding the payment of property taxes; requiring a sheriff to accept credit cards as a form of payment for property taxes; allowing a sheriff to offer discounts on tax liability to taxpayers that pay with a credit card; modifying the deadline by which a sheriff must present delinquent lists to its county commission; modifying the deadline that a county commission certifies a delinquent list to the auditor; providing that a sheriff must provide a redemption receipt if property is redeemed prior to certification to the auditor; modifying the policy related to the sale of tax liens; modifying the process by which a sheriff provides its second notice of delinquent real estate; modifying the timing and payment of redemption for delinquent properties prior to certification to the auditor; providing that any property not redeemed to the sheriff is to be certified to the auditor; providing that the sheriff must prepare a list of all the tax liens on delinquent real estate redeemed prior to certification or certified to the auditor; providing that the sheriff must account for the proceeds from redemptions prior to certification; providing that a sheriff may modify its redemption and certification list within 30 days after the publication of such list; providing for the publication of such list; requiring sheriffs to keep separate accounts for redemptions moneys; reducing the interest rate on delinquent taxes on property certified to the auditor; identifying lands subject to sale by the deputy commissioner; relating to the obligation that the auditor certify and deliver a list of lands subject to sale by the deputy commissioner; addressing annual auctions held by the deputy commissioner and the publication of notice of public auctions held by the deputy commissioner; relating the requirements that a purchaser must satisfy before he or she can secure a deed; relating

to the notice to redeem provided to a person entitled to redeem delinquent property; providing for certain delinquent taxpayers to redeem in incremental payments; addressing the right to set aside a tax deed improperly obtained or a tax deed obtained without sufficient notice; modifying certain definitions; creating a new special fund; relating to the right of certain entities to purchase delinquent properties; and modifying certain obligations of the West Virginia Land Stewardship Corporation land bank program.

Referred to the Committee on Finance.

**By Senators Sypolt, Azinger, Clements, Grady, Hamilton, Karnes, Martin, Maynard, Phillips, Roberts, Smith, Stover, Swope, Takubo, Tarr, Trump, Weld, and Woodrum:**

**Senate Bill 553**—A Bill to amend and reenact §16-29B-8, §16-29B-24, and §16-29B-25 of the Code of West Virginia, 1931, as amended, all relating to the powers of the West Virginia Health Care Authority; removing authority to adopt, amend, and repeal policy guidelines; making technical changes; requiring legislative rulemaking regarding the Uniform Bill; permitting fees for custom data request; and requiring the Secretary of the Department of Health and Human Resources to give notice and file legislative rules when assuming the West Virginia Health Care Authority's data repository powers and duties.

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

Senators Smith and Sypolt offered the following resolution:

**Senate Concurrent Resolution 27**—Requesting the Division of Highways name bridge number 39-026/00-019.09 (39A051), (39.49472, -79.64520), locally known as Albright Bridge, carrying WV 26 over Cheat River in Preston County, as the "U.S. Army TSGT Harold William Schmidle Memorial Bridge".

Whereas, Harold William Schmidle was born in the year 1921, as the son of Joseph and Jennie Schmidle in Albright, West Virginia; and

Whereas, TSGT Harold William Schmidle enlisted in the Infantry as a young man to serve his country during World War II; and

Whereas, Sadly, TSGT Harold William Schmidle was killed in action during the Battle of Banzai Point on the Island of Corregidor in the Philippines on February 19, 1945, where he served as a rifle squad leader (S/SGT) in the 2nd platoon, Company "D", 503rd P.I.R.; and

Whereas, It is fitting that an enduring memorial be established to commemorate TSGT Harold William Schmidle and his sacrifice for our state and country will never be forgotten; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a bridge bearing the number 39-26-19.09, carrying Route 26 North in Albright, as the "U. S. Army TSGT Harold William Schmidle 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 "U.S. Army TSGT Harold William Schmidle 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.

Senators Woodrum, Boley, Karnes, Maynard, Phillips, Sypolt, Takubo, Tarr, and Weld offered the following resolution:

**Senate Concurrent Resolution 28**—Requesting the Division of Highways name an interstate bridge bearing the bridge numbers 13-064/00-159.39 (EB and WB) (13A1442, 13A145), (37.88992, -80.57907), locally known as Williamsburg Road Bridge, carrying IS 64 (NB and SB) over County Route



9 in Greenbrier County, as the "U.S. Army PVT Garland Lee Loudermilk Memorial Bridge".

Whereas, Garland Lee Loudermilk was born on July 16, 1923, in Clintonville, West Virginia to Johnny and Bertha Loudermilk; and

Whereas, At the age of 22, PVT Garland Lee Loudermilk was a member of the United States Army's 89th Calvary Recon Squadron, 9th Armored Division at the Rhine River in Germany during World War II; and

Whereas, PVT Garland Lee Loudermilk was married to Letha M. Loudermilk; and

Whereas, Sadly, PVT Garland Lee Loudermilk was killed in action on March 8, 1945, during the Battle of the Bulge, fighting to protect the country he loved; and

Whereas, PVT Garland Lee Loudermilk is buried at the Henri-Chapelle American Cemetery in Henri Chapelle, Belgium, at Plot E, Row 10, Grave 23; and

Whereas, PVT Garland Lee Loudermilk was awarded a Purple Heart, European-African-Middle Eastern Campaign Medal, World War II Victory Medal, and the Honorable Service Lapel Button for his sacrifice and actions during his deployment in World War II; and

Whereas, After the death of PVT Garland Lee Loudermilk, the Loudermilk brothers, Gray, Hubert, Robert, and Earl visited an Alvon Whitfield in Luka, Mississippi to learn stories about what their brother PVT Garland Lee Loudermilk had done during the war, and what happened on the day of his death; and

Whereas, PVT Garland Lee Loudermilk's wallet was returned to the family by Alvon Whitfield, a gesture that the family sincerely appreciated, a gesture that helped bring closure to the Loudermilk family; and

Whereas, It is fitting that an enduring memorial be established to commemorate PVT Garland Lee Loudermilk and his sacrifice to our state and county; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways name an interstate bridge bearing the bridge number 13-064/00-159.39 (EB and WB) (13A1442, 13A145), (37.88992, -80.57907), locally known as Williamsburg Road Bridge, carrying IS 64 (NB and SB) over County Route 9 in Greenbrier County, as the "U.S. Army PVT Garland Lee Loudermilk 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 "U.S. Army PVT Garland Lee Loudermilk 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, as well as to the Loudermilk family.

Which, under the rules, lies over one day.

Senator Roberts offered the following resolution:

**Senate Resolution 16**—Designating February 2, 2022, as Jan Lilly-Stewart Disability Advocacy Day.

Whereas, There are over 400,000 West Virginians with disabilities; these individuals, like all others, have the right to live, work, and fully participate in their communities in order to realize their dreams; and

Whereas, People with disabilities have the right to an equal opportunity to live full productive lives as valued citizens in the community or setting of their choice; and

Whereas, People with disabilities have the right to receive the support and resources needed to exercise self-determination,

achieve independence, and become productive employees in the workplace; and

Whereas, West Virginia citizens with disabilities have banded together in a collective group known as, the Fair Shake Network, to help bring their concerns to the forefront of public awareness; and

Whereas, The Fair Shake Network has developed a statewide network concerned with all types of disabilities and all age groups, providing opportunities for people to learn from each other and act together; and

Whereas, The Fair Shake Network has become a credible source of information for policymakers, advocates, and the public on policies and programs that impact people with disabilities; and

Whereas, Organizations such as the West Virginia Department of Rehabilitation Services, the West Virginia Development Council, the West Virginia Parent Training and Information, Job Squad, Disability Rights of West Virginia, Mountain State Centers for Independent Living, Northern West Virginia Center for Independent Living, Appalachian Center for Independent Living, Statewide Rehabilitation Council, West Virginia Association of the Deaf, Open Doors, Inc., National Association of Social Workers, West Virginia Chapter, West Virginia University Center for Excellence in Disabilities, Central WV Action Network, West Virginia Autism Training Center, West Virginia Olmstead Office, Mountain State Parents CAN, Aging and Disability Resource Network, Whole Families, People First of West Virginia, The Arc of the Mid-Ohio Valley, and the Arc of West Virginia have joined together to help increase public awareness of issues and concerns involving West Virginians with disabilities through the Fair Shake Network; and

Whereas, The purpose of Disability Advocacy Day is to increase the awareness and understanding of legislators, administrators, policymakers, and the public of the public policy issues that are important to people with disabilities; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 2, 2022, as Jan-Lilly Stewart Disability Advocacy Day; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of the Fair Shake Network.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 26,** US Army TEC5 William "Bill" Thurman King Memorial Bridge.

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

The Senate then proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 5,** Creating WV Unmanned Aircraft Systems Advisory Council.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 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 439**, Adopting Revised Uniform Athlete Agents Act of 2015.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Karnes—1.

Absent: None.

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

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

**Eng. Senate Bill 440**, Establishing Uniform Commercial Real Estate Receivership Act.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 440) 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 450**, Updating definitions of WV Personal Income Tax Act.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 450) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 450) 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 451**, Updating definitions of WV Corporation Net Income Tax Act.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 451) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 451) takes effect from passage.

*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 452**, Permitting civil remedies for unauthorized disclosure of intimate images.

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 452 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 452) 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 453**, Establishing uniform requirements for restrictive employment agreements.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, January 31, 2022, for



amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules, with the right to amend on third reading remaining in effect.

At the request of Senator Takubo, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate then proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 138**, Relating to Board of Medicine composition.

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

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

On page one, section five, line twelve, by striking out "15" and inserting in lieu thereof "14".

The bill (Com. Sub. for S. B. 138), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 227**, Requiring county boards of education and county superintendents to comply with instructions of State Board of Education.

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 267**, Relating to transportation of students in county board owned and insured vehicles.

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

On motion of Senator Weld, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page three, section thirteen, line fifty-eight, by striking out "16" and inserting in lieu thereof "10";

On page four, section thirteen, line sixty-five, by striking out "16" and inserting in lieu thereof "10";

On page four, section thirteen, line sixty-six, after the word "parent", by inserting the words "or guardian";

On page four, section thirteen, line sixty-seven, after the word "vehicle" by striking out the remainder of the subdivision;

And,

On page four, section thirteen, line sixty-nine, by striking out the words "including the driver".

Following discussion,

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

The bill (Com. Sub. for S. B. 267), as amended, was then ordered to engrossment and third reading.

**Senate Bill 492**, Relating to electronic collection of tolls.

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.

**Eng. Com. Sub. for House Bill 4067**, To make certain agency reports electronic or eliminating certain agency reports altogether.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Baldwin.

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

The Senate next proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on January 31, 2022:

**Senate Bill 132:** Senator Azinger;

**Senate Bill 485:** Senator Stover;

And,

**Senate Bill 488:** Senator Smith.

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 January 31, 2022:

**Senate Bill 47:** Senator Azinger;

**Senate Bill 70:** Senator Beach;

**Senate Bill 83:** Senator Beach;

**Senate Bill 106:** Senator Beach;

**Senate Bill 416:** Senators Sypolt and Phillips;

**Senate Bill 432:** Senators Phillips and Hamilton;

**Senate Bill 458:** Senator Jeffries;

**Senate Bill 463:** Senator Woodrum;

**Senate Bill 465:** Senator Jeffries;

**Senate Bill 477:** Senator Jeffries;

**Senate Bill 481:** Senator Jeffries;

**Senate Bill 489:** Senator Beach;

**Senate Bill 490:** Senators Woelfel and Beach;

**Senate Bill 494:** Senator Beach;

**Senate Bill 502:** Senator Woelfel;

**Senate Bill 508:** Senators Lindsay and Beach;

**Senate Bill 510:** Senators Stollings, Baldwin, and Lindsay;

**Senate Bill 512:** Senator Lindsay;

**Senate Bill 513:** Senators Lindsay, Baldwin, Romano, and Smith;

**Senate Joint Resolution 1:** Senator Woelfel;

**Senate Joint Resolution 5:** Senator Smith;

And,

**Senate Concurrent Resolution 26:** Senator Jeffries.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:47 a.m., the Senate adjourned until tomorrow, Wednesday, February 2, 2022, at 11 a.m.

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WEDNESDAY, FEBRUARY 2, 2022

The Senate met at 11:01 a.m.

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

Prayer was offered by Pastor Don Biram, Emmanuel Baptist Church, Charleston, West Virginia.

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

Pending the reading of the Journal of Tuesday, February 1, 2022,

At the request of Senator Caputo, 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.

Senator Blair (Mr. President) announced that, under the provisions of Senate Resolution 10 (*Adopting special rule of order relating to COVID-19 pandemic*) adopted January 18, 2022, the following senators had been approved to vote by proxy:

Senator Rucker, and that Senator Takubo had been designated to vote on her behalf;

And,

Senator Smith, and that Senator Takubo had been designated to vote on his behalf.

The Senate proceeded to the third order of business.

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

**Eng. Senate Bill 244**, Relating to appointment of judges to Intermediate Court of Appeals.

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. House Bill 4110**—A Bill to amend and reenact §18-9A-4 of the Code of West Virginia, 1931, as amended, relating to public school support, foundation allowance for professional educators; and providing that a county board of education serving as the fiscal agent for a multi-county vocational center may not be penalized if the county's failure to meet the applicable minimum ratio is due to the staffing levels at the multi-county vocational center.

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. House Bill 4286**—A Bill to amend and reenact §29-6-4 of the Code of West Virginia, 1931, as amended, relating to exempting persons employed as attorneys from the civil service system.

Referred to the Committee on Government Organization.

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

**Eng. House Bill 4312**—A Bill to amend and reenact §3-3-1 and §3-3-5 of the Code of West Virginia, 1931, as amended, relating to permitting first responders to vote by electronic absentee ballot in certain emergency circumstances.

Referred to the Committee on the Judiciary.

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 4333**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new

section, designated §30-26-21, relating to sunset the Board of Hearing-Aid Dealers and Fitters.

Referred to the Committee on Government Organization.

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

**Eng. House Bill 4360**—A Bill to amend and reenact 18C-9-5 of the Code of West Virginia, 1931, as amended, relating to eligibility requirements for the West Virginia Invests Grant Program; providing that the community service requirement may be satisfied by certain military service; and providing for reimbursement to certain grant recipients that have repaid a grant and related expenses charged for failure to meet the community service requirement.

Referred to the Committee on Education.

### **Executive Communications**

The Clerk then presented the following communication from His Excellency, the Governor, regarding bills approved by him:



*Jim Justice*  
*Governor of West Virginia*

February 2, 2022

The Honorable Lee Cassis, Clerk  
West Virginia Senate  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Senate Bill No. Eight (8), which was presented to me on January 28, 2022.

Senate Bill No. One Hundred Ninety-One (191), which was presented to me on January 28, 2022.

You will note that I have approved these bills on February 2, 2022.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice  
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk



The Senate proceeded to the fourth order of business.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 2nd day of February, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**(S. B. 4)**, Repealing ban on construction of nuclear power plants.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Steve Westfall,  
*Vice Chair, House Committee.*

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 2**, Relating to unemployment benefits program.

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

**Com. Sub. for Senate Bill 2** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §21A-2D-2 of the Code of West Virginia, 1931, as amended, as contained in Chapter 273, Acts of the Legislature, Regular Session, 2021; to amend said code by adding thereto a new section, designated §21A-2D-2a; to amend and reenact §21A-2D-3 of said code; to amend said code by adding thereto a new article, designated §21A-3-1, §21A-3-2, and §21A-3-3; and to amend and reenact §21A-6-10 of said code, all relating to indexing unemployment benefits based on the state average unemployment rate; modifying methodology for

calculating maximum benefit rate; modifying benefit table consistent with adoption of indexing; requiring Workforce West Virginia Commissioner take certain actions to verify unemployment insurance claim program integrity; requiring commissioner to review suspicious or potentially improper claims under certain circumstances; defining "state average unemployment rate"; limiting the maximum duration of unemployment benefits based on the "state average unemployment rate"; requiring Workforce West Virginia to promulgate legislative rules; establishing an internal effective date; reducing maximum benefit for each wage class; and removing chart column made incorrect by adoption of indexing.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on Finance has had under consideration

**Senate Bill 3**, Requiring work search activities to qualify for unemployment benefits.

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

**Com. Sub. for Senate Bill 3** (originating in the Committee on Finance)—A Bill to amend and reenact §21A-6-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21A-6-1d, all relating to eligibility for unemployment benefits; requiring work search activities to qualify for unemployment benefits; defining what constitutes work search activities; mandating submittal of proof of work search activities; providing for verification of work search activities; granting commissioner of Workforce West Virginia

discretion in verification of work search activities; mandating establishment of process to refer individuals seeking unemployment benefits to job opportunities; requiring individuals receiving referrals to suitable work to apply for and accept that work; mandating employers to report refusal of offer of employment to commissioner; allowing individuals who accept part-time non-suitable employment to receive unemployment benefits without reduction for wages under certain circumstances; making certain individuals applying for or receiving unemployment benefits exempt from work search requirements; establishing process for notification of work search activity requirements; requiring rulemaking; and setting effective date.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

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

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 181**, Creating Core Behavioral Health Crisis Services System.

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

**Com. Sub. for Senate Bill 181** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto nine new sections designated, §16-42-1, §16-42-2, §16-42-3, §16-42-4, §16-42-5, §16-42-6, §16-42-7, §16-42-8, and §16-42-9; and to amend and reenact §24-6-6b of said code, all relating to creating of the Core Behavioral Health Crisis Services System; designating of crisis hotline centers; reimbursing treatment for crisis receiving and

stabilization services; creating the Statewide 988 Trust Fund; providing a mechanism for funding the trust fund; establishing the uses of the fund; authorizing a statewide 988 fee; establishing the duties and powers of the secretary; providing for timelines for implementation; authorizing rulemaking, including emergency rules; and requiring annual reports.

And,

**Senate Bill 247**, Relating to certified community behavioral health clinics.

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

**Com. Sub. for Senate Bill 247** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29, relating to certified community behavioral health clinics; providing that the state Medicaid agency shall develop, seek approval of, and implement a Medicaid state plan amendment as necessary and appropriate to effectuate a system of Certified Community Behavioral Health Clinics (CCBHCs); authorizing rulemaking; providing that a state certification system for Certified Community Behavioral Health Clinics shall be developed; setting forth state certification requirements; providing parties eligible to apply for certification as a Certified Community Behavioral Health Clinic; and providing that participation in the Certified Community Behavioral Health Clinic program is voluntary.

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

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

The bills (Com. Sub. for S. B. 181 and 247), under the original double committee references, were then referred to the Committee on Finance.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 231**, Relating generally to broadband connectivity.

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

**Com. Sub. for Senate Bill 231** (originating in the Committee on Economic Development)—A Bill to amend and reenact §31G-4-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §31G-4-7, all relating to broadband connectivity; defining terms; requiring engineering reports on available telecommunication cable space; providing for shared costs for the report; requiring notice from pole owner or manager to telecommunication carriers of available space; requiring notice to pole owner or manager of intent to use any available space; and exempting pole owners which have electronic permitting and notification software system for processing pole attachment applications.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Chandler Swope,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

**Com. Sub. for Senate Bill 264** (originating in the Committee on Natural Resources), Relating to conservation districts law of WV.

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

**Com. Sub. for Com. Sub. for Senate Bill 264** (originating in the Committee on Government Organization)—A Bill to amend and reenact §19-21A-1, §19-21A-2, §19-21A-3, §19-21A-4, §19-21A-6, and §19-21A-8 of the Code of West Virginia, 1931, as amended, all relating to conservation districts; providing for a short title of the article to be known as the Conservation Districts Law of West Virginia; restating legislative determinations and declaration of policy in clear and concise language; adding definitions for "agriculture" and "urban agriculture"; conferring additional powers and duties upon State Conservation Committee; providing for term of office of district supervisor to begin on July 1, immediately following primary election; providing procedure to fill office of district supervisor if no candidate seeks office; modifying candidate qualifications for election of district supervisor; modifying process for filling vacancies in office of district supervisor; and conferring additional powers and duties upon conservation districts and supervisors.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

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

Your Committee on Education has had under consideration

**Senate Bill 493**, Requiring county BOE make meetings available to public in-person and through internet.

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

Respectfully submitted,

Rollan A. Roberts,  
*Vice Chair.*

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

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

**Senate Bill 497**, Relating to method for appraising qualified capital additions to manufacturing facilities.

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

**Com. Sub. for Senate Bill 497** (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §11-6F-6 of the Code of West Virginia, 1931, as amended, all relating to the special method for appraising qualified capital additions to manufacturing facilities; eliminating the requirement that otherwise qualified investment assets be located or installed at or within two miles of a pre-existing manufacturing facility; and specifying effective date.

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,

Randy E. Smith,  
*Chair.*

The bill (Com. Sub. for S. B. 497), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Education has had under consideration

**Senate Bill 499**, Authorizing legislative rules for School Building Authority.

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

Respectfully submitted,

Rollan A. Roberts,  
*Vice Chair.*

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

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 17**, US Air Force 167th Airlift Wing Firefighter/SSgt Logan A. Young Memorial Bridge.

And reports back a committee substitute for same as follows:

**Com. Sub. for Senate Concurrent Resolution 17** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 02-032/00-001.22 (02A152), (39.40678, -78.02421) locally known as Tabler Station Overpass, carrying CR 32 over I-81 in Berkeley County, the "U.S. Air Force SSGT Logan A. Young Memorial Bridge".

Whereas, Logan Andrew Young was born in 1990, in Winchester, Virginia, the son of Steven B. Young and Beth A. Young. He grew up in Winchester, Virginia, where he graduated from Millbrook High School in 2008. He enlisted in the United States Air Force in 2011; and



Whereas, While serving on active duty in security forces, Logan A. Young was stationed at Kadena Air Base, Japan; RAF Alconbury, England; and Andrews Air Force Base, Maryland. He was deployed to the Middle East in 2012 and again in 2014. He joined the 167th Civil Engineering Squadron as a firefighter in 2018 and was a decorated Senior Airman with the 167th Airlift Wing of the West Virginia Air National Guard; and

Whereas, Senior Airman Logan A. Young, a nine-year veteran of the United States Air Force, lost his life in the line of duty while fighting a fire in the early morning hours of December 27, 2020, near Martinsburg, West Virginia; and

Whereas, Senior Airman Logan A. Young's military awards include the Air Force Outstanding Unit Award, Air Force Good Conduct Medal with one Oak Leaf Cluster, Air Reserve Forces Meritorious Service Medal, National Defense Service Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Air Force Overseas Ribbon Long with 1 Oak Leaf Cluster, Air Force Expeditionary Service Ribbon with Gold Border, Air Force Expeditionary Service Ribbon, Air Force Longevity Service, USAF NCO PME Graduate Ribbon, Small Arms Expert Marksmanship Ribbon (Rifle), and the Air Force Training Ribbon; and

Whereas, Senior Airman Logan A. Young was posthumously promoted to the rank of staff sergeant; and

Whereas, SSGT Logan A. Young exemplified being a devoted and selfless patriot who loved his country, community, family, and fellow man. He was patient, passionate, and dedicated. He enjoyed playing soccer, basketball, fishing, and riding ATVs and his motorcycle. He was an avid Pittsburgh Steelers fan. SSGT Logan A. Young also had a great love for sneakers and owned enough Nikes to wear a different pair every day of the year; and

Whereas, SSGT Logan A. Young is survived by his daughter, Leira Ann Young, who was born six months after his death; his fiancée, London Brown, and her daughter Jesslyn Wolf; his brother and sister-in-law, Nathan Young and Daffne; his sister and brother-

in-law, Danielle Brosan and Mike; and many aunts, uncles, cousins, and friends; and

Whereas, SSGT Logan A. Young was a hero to many, loved by all, and missed by those who knew him. SSGT Logan A. Young is forever in the hearts of his family and friends, as well as his military and fire department. As someone once said, "A hero is someone who has given his life to something bigger than oneself"—SSGT Logan A. Young was a hero; and

Whereas, It is fitting that an enduring memorial be established to commemorate SSGT Logan A. Young and his sacrifice to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 02-032/00-001.22 (02A152), (39.40678, -78.02421), locally known as Tabler Station Overpass, carrying CR 32 over I-81 in Berkeley County, the "U.S. Air Force SSGT Logan A. Young 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 "U.S. Air Force SSGT Logan A. Young 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; a copy to the County Counsel of Berkeley County; two copies—one to his father Steven B. Young and a copy to his mother Beth A. Young; and to his daughter Leira Ann Young; his fiancée, London Brown; his brother and sister-in-law, Nathan Young and Daffne; and to his sister and brother-in-law, Danielle Brosan and Mike.

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

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

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 21**, Putnam County Veterans Memorial Bridge.

**Senate Concurrent Resolution 23**, USMC CPL Guy Maywood Edwards Memorial Bridge.

And,

**Senate Resolution 4**, Urging US Army Corps of Engineers study clean energy production at Summersville dam.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

**Eng. House Bill 2325**, Removing the requirement of continuing education for barbers and cosmetologists.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

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

Your Committee on Transportation and Infrastructure has had under consideration

**Eng. Com. Sub. for House Bill 4062**, Removing the residency requirement for the Commissioner of the Division of Highways.

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

Respectfully submitted,

Charles H. Clements,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Eng. House Bill 4301**, Reforming membership requirements of Huntington Park and Recreation District Board.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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 554**—A Bill to repeal §22C-3-22 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22C-3-1, §22C-3-3, §22C-3-4, §22C-3-5, §22C-3-6, §22C-3-7, §22C-3-8, §22C-3-9, §22C-3-10, §22C-3-11, §22C-3-12, §22C-3-13, §22C-3-14, §22C-3-15, §22C-3-16, §22C-3-17, §22C-3-19, §22C-3-20, §22C-3-21, §22C-3-23, §22C-3-24, and §22C-3-26 of said code, all relating to abolishing the West Virginia Solid Waste Management Board and transferring its functions, rights, powers, and duties to the Department of Environmental Protection; declaring that the department is bound by actions previously taken by the Solid Waste Management Board; removing or repealing obsolete provisions relating to the former board; and correcting and revising citations to related sections of said code.

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

**By Senators Karnes, Azinger, Boley, Clements, Grady, Hamilton, Martin, Phillips, Roberts, Smith, Stover, Swope, Sypolt, Takubo, and Woodrum:**

**Senate Bill 555**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-16, relating generally to financial institutions engaged in boycotts of firearms companies; defining terms; authorizing the State Treasurer to prepare, maintain, and publish a list of financial institutions engaged in boycotts of firearms companies; requiring the Treasurer to post the list on his or her website and submit the list to certain public officials; setting forth sources of information on which the Treasurer may rely on preparing the list; requiring the Treasurer to send written notice to a financial institution of its inclusion on the list; requiring the Treasurer to remove a financial institution from the list if it presents information demonstrating that it is not engaged in a boycott of firearms companies; authorizing

the Treasurer to exclude financial institutions on the list from the selection process for state banking contracts; authorizing the Treasurer to refuse to enter into a banking contract with a financial institution on the list; authorizing the Treasurer to require, as a term of a banking contract, an agreement by the financial institution not to engage in a boycott of firearms companies; and limiting liability of public officials, public employees, members or employees of financial institutions for actions taken in compliance with the new code section and exempting the Investment Management Board.

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

**By Senators Romano, Caputo, Jeffries, Martin, and Trump:**

**Senate Bill 556**—A Bill to amend and reenact §15-10-5 of the Code of West Virginia, 1931, as amended, relating to the Federal officers' peace-keeping authority; and removing the incorporation by reference of an obsolete federal statute within the definition of FBI police officer.

Referred to the Committee on the Judiciary.

**By Senators Woodrum, Azinger, Beach, Boley, Caputo, Clements, Geffert, Grady, Hamilton, Karnes, Martin, Nelson, Phillips, Plymale, Roberts, Romano, Stollings, Stover, and Woelfel:**

**Senate Bill 557**—A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to extending until July 1, 2023, the current cap on the per diem rate paid by counties and municipalities to house inmates in jail facilities.

Referred to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 558**—A Bill to amend and reenact §62-12-12 of the Code of West Virginia, 1931, as amended, relating to adding additional members to the West Virginia Parole Board.

Referred to the Committee on the Judiciary.

**By Senator Takubo:**

**Senate Bill 559**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-61-1, all related to requiring health benefit plan coverage for medically necessary dental procedures that result from cancer treatment; creating the Oral Health and Cancer Rights Act; setting forth legislative intent; explaining scope of procedures covered as a result of certain cancer treatments; requiring use of specific billing identifier; and setting an effective date.

Referred to the Committee on Health and Human Resources.

**By Senator Maynard:**

**Senate Bill 560**—A Bill to amend and reenact §17C-1-70 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-11-8 of said code, all relating to defining Class 2 e-bikes; and permitting Class 2 e-bikes to be given the same allowances as Class 3 e-bikes in certain circumstances.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Trump:**

**Senate Bill 561**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §50-1-2a, relating to increasing the number of magistrate judges in Berkeley County; providing legislative findings; increasing allowable number of magistrate judges in Berkeley County by a certain effective date; and providing for initial appointment.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 562**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-23, relating to authorizing Adopt-A-Trail volunteer programs for public lands under the jurisdiction of the Division of Natural Resources; requiring volunteer project agreements with the division; providing that volunteer trail services shall not replace

work that is ordinarily performed by state personnel; providing for project coordination; and establishing minimum requirements for volunteer organizations.

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

**By Senator Maynard:**

**Senate Bill 563**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-20, relating to permitting dispersed camping on state lands under the jurisdiction of the Division of Natural Resources; authorizing program; requiring permits issued as additions to hunting and fishing licenses; prohibiting the use of several classes of vehicles; requiring fees to be established by legislative rule; and exempting Coopers Rock and Kanawha State Forests from the program.

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

**By Senator Maynard:**

**Senate Bill 564**—A Bill to amend and reenact §17-2A-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-1-12a, all relating to mapping of public roads; requiring visual representations of the surface types and road styles of public roads and highways; and requiring the Division of Natural Resources to inventory and map certain forest roads with a legend as to any restrictions on the uses of those roads.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 565**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-43, relating to establishing Class WV resident and Class WV nonresident, wildlife view stamps; and authorizing the



Department of Natural Resources to propose legislative rules for the cost of the stamps and the appropriate uses thereof.

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

**By Senator Maynard:**

**Senate Bill 566**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-1C-1 and §5B-1C-2, all relating to requiring the Department of Commerce to collaborate with state agencies to develop a plan for adventure travel recreation promotion in this state.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 567**—A Bill to amend and reenact §11-4-9 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §11-13LL-1; and to amend and reenact §22-3-32 of said code, all relating to exempting unmined rare earth metals and rare earth elements from taxation in West Virginia; and defining terms of unmined rare earth metals and unmined rare earth elements.

Referred to the Committee on Finance.

**By Senator Roberts:**

**Senate Bill 568**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3ii; to amend said code by adding thereto a new section, designated, §33-24-7x; to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating generally to insurance; defining insurance loss ratios; and requiring insurance plans to provide underwriting information to insureds.

Referred to the Committee on Banking and Insurance.

**By Senator Trump:**

**Senate Bill 569**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8B-19, relating to the confidentiality of court files and law-enforcement records of certain enumerated offenses, and the order permitting the examination or copying of certain files; obtaining certain files by the issuance of a subpoena duces tecum; and creating a misdemeanor offense and penalty for a violation.

Referred to the Committee on the Judiciary.

Senator Jeffries offered the following resolution:

**Senate Concurrent Resolution 29**—Requesting the Division of Highways name, upon construction of the new bridges that will replace the Donald M. Legg Memorial Bridge, carrying I-64 over the Kanawha River, locally known as the Nitro-St. Albans Bridge in Kanawha County, the new westbound lanes/bridge, the "Nitro WW I Memorial Bridge".

Whereas, On August 29, 1916, the United States Congress authorized the building of the Naval Ordnance Plant between U.S. 60 and the railroad in South Charleston, West Virginia. The plant took two years to build, spanned 900,000 square feet, and began operating in May of 1918. According to Secretary of the Navy Josephus Daniels, this naval base was the first in U.S. history to be placed away from seawaters. The U.S. Navy was drawn to the location by West Virginia's natural resources, as well as its "moral environment and splendid citizenship". The plant manufactured military equipment such as armor plates, gun forgings, and projectiles for battleships and cruisers which were used by the U.S. Navy in World War I; and

Whereas, Nitro was a World War I boom town believed to be named after nitrocellulose, which was used to manufacture smokeless gunpowder and other explosive devices. The plant was one of three selected by the U.S. government under the Deficiency Appropriations Act to relieve a severe shortage of gunpowder. Nitro's location, 14 miles from Charleston, was chosen because it was secure from coastal attacks and climatic conditions while

having access to railroads, waterways, and raw materials. The ordnance plant complex was known as Explosive Plant C. It was built in just 11 months and thousands of workers, supplies, and materials arrived practically overnight; and

Whereas, During the 11 months that the Explosive Plant C was in operation, the town was 90 percent complete and housed 23,951 people associated with the plant. There was a high turnover of people coming and going from the plant, with workers from each state and representing 41 different nationalities. Some who arrived for work in 1918 suffered from Spanish influenza, and army barracks and other buildings had to be converted into hospitals to care for the sick; and

Whereas, By the end of the war on November 11, 1918, Explosive Plant C had produced 350 tons of smokeless gun powder per day. On Armistice Day, Nitro celebrated with a parade of cars, military tanks, and a band. Within two weeks after the Armistice, 12,000 people left Nitro and there were not enough workers to sustain plant production. The director of the plant turned its operation over to the Ordnance Department on January 15, 1919, and the plant was declared surplus as the U.S. government prepared to liquidate the property. Workers were laid off in October of 1919 and, a month later, the facilities were sold at auction to the Charleston Industrial Corporation; and

Whereas, In November of 1919, a state charter was granted to the Charleston Industrial Corporation, which was organized for the specific purpose of purchasing and redeveloping the surplus government property at Nitro. The Charleston Industrial Corporation launched a sales promotion campaign to attract new industries and businesses to the area, focusing on manufacturing and chemical industries. By 1921, the future of Nitro was beginning to take shape with many wartime holdovers calling it home and relying on their friends and neighbors for fellowship, common interests, and help in time of need. This early community spirit remains strong; and

Whereas, Remnants of Nitro's gunpowder production history can be seen throughout the town and many special events

associated with both World War I and World War II are held each year. The town proudly celebrates its wartime history and being known as a "living memorial to World War I"; and

Whereas, It is fitting that an enduring memorial be established to commemorate Nitro's rich past, significance, and contributions to our state and country during World War I; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the new westbound lanes/bridge, upon construction of the new bridges that will replace the Donald M. Legg Memorial Bridge, carrying I-64 over the Kanawha River, locally known as the Nitro-St. Albans Bridge in Kanawha County, the "Nitro WW I Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the westbound lanes/bridge as the "Nitro WW I 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.

Senators Baldwin and Woodrum offered the following resolution:

**Senate Concurrent Resolution 30**—Requesting the Division of Highways name bridge number 13-017/02-000.34 (13A250), (37.94358, -80.47152), locally known as Culverson Creek Bridge, carrying CR 17/2 over Culverson Creek in Greenbrier County, the "McClintic Family Bridge".

Whereas, Alexander McClintock was born in Ireland in 1717 and came to America in 1725. He settled in the Bath County, Virginia area and revised the spelling of "McClintock" to "McClintic," most likely because Alexander McClintic could not

read or write. He served in the army of General Andrew Lewis and took part in the Battle of Point Pleasant. Alexander McClintic's name is on the monument commemorating that battle; and

Whereas, Robert McClintic, Alexander McClintic's youngest son, married Jane Mann, came to Greenbrier County and settled on the land that borders Culverson Creek, in Williamsburg, West Virginia in 1802. The historic home that is still standing today was built in 1829 for Robert McClintic's youngest son, Robert Mann McClintic II, who was a Methodist minister, and his wife, Mary Griffin (Leonard) McClintic; and

Whereas, Michael Leonard McClintic was the tenth child of Robert Mann McClintic II and Mary McClintic. He and his wife, Laura Jane Lynch, later took over the house after the passing of Michael Leonard McClintic's parents. They raised nine children in the home and the eldest was Clifton Forest McClintic; and

Whereas, Dr. Clifton Forest McClintic was born on August 9, 1884, in the home at Williamsburg along Culverson Creek. Dr. Clifton Forest McClintic graduated from Randolph-Macon College and received his medical degree from Cincinnati. He served as the West Virginia Director of Conservation Commission, in the West Virginia House of Delegates, as warden of Moundsville Penitentiary, and was appointed state Health Commissioner. The Dr. Clinton Forest McClintic Wildlife Station State Park and Management Area in Mason County, West Virginia bears his name; and

Whereas, Dr. Clifton Forest McClintic never married or had children, and after his father passed away, he returned home and took over the farm on Culverson Creek. He expanded the farm and remodeled the house. He added cabins along the creek, which he later donated to the Boy Scout Association, and it served for many years as the state camp for Boy Scouts in West Virginia during the 1940's and 1950's; and

Whereas, Dr. Clifton Forest McClintic died in 1952 and deeded the farm to his nephew, Bunyan Leonard McClintic. Bunyan "Bun" Leonard McClintic and his wife, Aena Alice Neely, had nine

children: Levi, Patrick, James "Alan", Doris "Gay", Alice "Joan", Wayne, Bedford, Robert, and Jerry. Many of their children were born at the home and all of the children grew up working the farm, hunting in the fields, playing in Culverson Creek near the bridge, and attended the Frankford School; and

Whereas, Five of the McClintic boys served in the United States Army overseas from 1957-1979. All seven boys attended college in West Virginia and earned their college degrees. Five returned to Williamsburg area and continued to contribute to the local Frankford/Williamsburg, West Virginia community, with four serving as educators in the public school system; and

Whereas, Levi McDonald McClintic was born in 1934 and attended Potomac State and West Virginia University, earning a Bachelors of Science degree in Agriculture. He joined the United States Army in 1957 and was stationed in Fort Benning, Georgia and Bamberg, Germany. He returned to Greenbrier County and was employed as a meat inspector from 1966-1992. He and his wife Ramona Hanna have five children, eight grandchildren, and six great grandchildren. His grandson, Christopher Wiseman, served 12 years in the United States Navy. Levi and Ramona McClintic operate the McClintic farm today; and

Whereas, Patrick Wallace McClintic was born in 1935 and attended Potomac State and West Virginia University, earning a degree in Agriculture. He joined the United States Army in 1958 and retired in 1985. Patrick "Pat" Wallace McClintic rose to the rank of Colonel and completed assignments in Fort Dix, New Jersey, Korea, Germany, Fort Leavenworth, Kansas, Virginia, Florida, Pennsylvania, and the Pentagon in Washington, D.C. Colonel Patrick "Pat" Wallace McClintic also served two tours in Vietnam. He later served as a professor of Military Science at West Virginia University. Colonel McClintic, who died in 1995, was a recipient of the Bronze Star, and is buried at the Arlington National Cemetery in Washington, D.C. He and his wife Bobbie Ann Cole have two children and three grandchildren; and

Whereas, James Alan McClintic was born in 1937 and joined the United States Army in 1961 after graduating from Potomac

State and West Virginia University, earning a degree in Physical Education. He was stationed in Fort Benning, Georgia and Fort Sill, Oklahoma for two years. He returned to Greenbrier County and taught until his retirement from Renick Junior High School/Greenbrier County public schools in 1989. James "Alan" McClintic and Frances Spencer divorced, but have four children and 11 grandchildren. Son, Kevin McClintic, retired from the United States Army, and grandson Trevor Weikle has 12 years' service in the United States Army and continues today to serve in the United States Army Reserves. James "Alan" McClintic and his wife, Dora Whitt, have two children and four grandchildren, and continue to live on and operate part of the McClintic farm; and

Whereas, Wayne Leonard McClintic was born in 1943 and was a ROTC Army cadet at West Virginia University. Upon completing a master's degree in Agricultural Engineering in 1967, Wayne joined the United States Army and was stationed at Fort Belvoir, Virginia, Saudi Arabia, and Fort Leonard Wood, Missouri as Second Lieutenant of the Corps of Engineers. Wayne and his wife, Thomasine Michael, have four children and eight grandchildren; and

Whereas, Bedford Rader McClintic was born in 1946 and was a ROTC Army cadet at West Virginia University. He graduated with degrees in Physical Education in 1968, and from the University of Kentucky in 1969. He entered the United States Army and served assignments in Indiana, Georgia, and overseas in Germany and Vietnam. He continued to serve in the United States Army Reserves until 1979. He served as principal of Frankford School, his alma mater, from 1978-2017, when he retired from the Greenbrier County public school system. He and his wife, Patricia Dodson, have two children and three grandchildren. His daughter, Debbie, and her husband Jason were married on the bridge in 2009. Bedford Rader McClintic and Patricia Dodson have a "camp" along the creek that borders the old Boy Scout camp, part of the original McClintic homestead; and

Whereas, Robert Ray McClintic was born in 1950 and earned degrees from Concord College and West Virginia University. Robert "Bob" Ray McClintic returned to Greenbrier County where

he served as a coach and taught in the public school system from 1972-2006, when he retired after 33 years of service. He and his wife, Elizabeth "Jane" Renick, have four children and six grandchildren. Robert "Bob" Ray McClintic and his wife continue to live on the family homestead; and

Whereas, Jerry Moore McClintic was born in 1954 and graduated from Concord College and West Virginia University with degrees in Physical Education, Library Science, and Communications. He coached and taught in the public school systems of Monroe and Greenbrier counties, until he retired from Frankford School in 2009. Jerry Moore McClintic and his wife, Sara Hill, have three children and four grandchildren. Jerry Moore McClintic and his wife continue to live on the family farm; and

Whereas, Bunyan "Bun" Leonard McClintic died in 1978 and his wife Aena Alice Neely continued to live in the McClintic home until her passing in 2000. Four of the McClintic sons and their families continue to live on the homestead today. The historic Dr. Clifton Forest McClintic home is a gathering place for the extended McClintic family, and the bridge and Culverson Creek remain a respite for the grandchildren and for future generations to come; and

Whereas, It is fitting that an enduring memorial be established to commemorate the McClintic family's decades of public service and contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 13-017/02-000.34 (13A250), (37.94358, -80.47152), locally known as Culverson Creek Bridge, carrying CR 17/2 over Culverson Creek in Greenbrier County, the "McClintic Family 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 "McClintic Family 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 Maynard offered the following resolution:

**Senate Concurrent Resolution 31**—Requesting the Division of Highways name bridge number 50-052/00-030.52 (50A087), (38.08965, -82.54603), locally known as Nursery Gap Bridge, carrying US 52 over Mill Creek in Wayne County, the "U.S. Navy HM3 Roy Elmer 'Doody' Moon Bridge".

Whereas, Roy Elmer "Doody" Moon was born on July 2, 1945, in Cove Gap, Wayne county, the son of Jim and Sylvia Moon; and

Whereas, Roy Elmer "Doody" Moon attended Wayne High School, where he played football and from which he was graduated in 1963; and

Whereas, HM3 Roy Elmer "Doody" Moon entered the U.S. Navy where he became a Medic and was sent to Vietnam where he was sent to a U.S. Marine unit; and

Whereas, HM3 Roy Elmer "Doody" Moon, for his courage, bravery, and dedication to duty during an action in Vietnam was awarded the Bronze Star. Marines and sailors with whom he served have stated HM3 Roy Elmer "Doody" Moon was everything from "the bravest man I know" to "he never thought of his own safety; the injured came first". All who attended a unit reunion had praise for HM3 Roy Elmer "Doody" Moon. Some said they would not be alive today if it had not been for him. The platoon leader stated that he worried the new medic would not be as capable to do the job of their former medic, but stated HM3 Roy Elmer "Doody" Moon more than filled the shoes left by the former medic; and

Whereas, After receiving an Honorable Discharge from the U.S. Navy on August 8, 1971, HM3 Roy Elmer Moon returned to civilian life in Wayne County and served his community; and

Whereas, HM3 Roy Elmer "Doody" Moon married Nancy Moon and they had one son, Christopher Moon; and

Whereas, HM3 Roy Elmer "Doody" Moon worked for many years at Ashland Oil (now Marathon Oil) from where he retired; and

Whereas, HM3 Roy Elmer "Doody" Moon has contributed to the Wayne County community, including serving as a member and as past chairman for the Board of Wayne County Solid Waste Authority; and

Whereas, It is fitting that an enduring memorial be established to recognize HM3 Roy Elmer "Doody" Moon and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number: 50-052/00-030.52 (50A087), (38.08965,-82.54603), locally known as Nursery Gap Bridge, carrying US 52 over Mill Creek in Wayne County, the "U.S. Navy HM3 Roy Elmer 'Doody' Moon 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 "U.S. Navy HM3 Roy Elmer 'Doody' Moon 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 Maynard offered the following resolution:

**Senate Concurrent Resolution 32**—Requesting the Division of Highways name bridge number 50-152-5.70 (50A112), locally known as Missouri Branch Beam Span, carrying Route 152 over

the West Fork of Twelvepole Creek in Wayne County, the "Curtis 'Pap' and Millie 'Mammie' Asbury Memorial Bridge".

Whereas, Curtis Asbury was born on September 24, 1917, in Wayne, West Virginia, and his devoted wife, Millie Ferguson, was born on April 24, 1924. They were married in 1939; and

Whereas, Curtis and Millie Asbury established, owned, and operated Asbury's Grocery, located at the entrance to Cabwaylingo Park Road for 52 years. The grocery store became a vital resource for community members. For five decades, the store not only provided necessary food and other goods but, was also a meeting place for community members to gather and discuss everything from politics to family life. The bus stop was outside and when the school children would go inside the store they would be met with a smile, a hug, and a piece of fruit or candy; and

Whereas, Almost every person in the community of Dunlow, West Virginia, has been touched by Curtis and Millie Asbury's kindness and generosity. The love they both had for their community was displayed by their hardworking, gentle, and giving spirits. They were devoted to making their small community a better place to live by always extending a helping hand, providing jobs, caring for the elderly, and encouraging and guiding the youth. They helped develop and organize their area by creating local churches, directing Sunday school classes, and working to fulfill the needs of the entire community. They treated everyone as their own family and were lovingly referred to as everyone's "Mammie" and "Pap"; and

Whereas, It is fitting that an enduring memorial be established to commemorate Curtis and Millie Asbury and their contributions to their community and our state; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 50-152-5.70 (50A112), locally known as Missouri Branch Beam Span, carrying Route 152 over the West Fork of

Twelvepole Creek, in Wayne County, the "Curtis 'Pap' and Mille 'Mammie' Asbury 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 "Curtis 'Pap' and Mille 'Mammie' Asbury 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.

Senators Sypolt and Smith offered the following resolution:

**Senate Resolution 17**—Designating February 3, 2022, as Preston County Day at the Legislature.

Whereas, Preston County is rich in agricultural heritage; and

Whereas, Preston County's agriculture contributes to its economic and success in Preston County; and

Whereas, West Virginia leads the nation in both the percent of family and small farms; and

Whereas, Preston County leads the state in the number of farms, fifth in the amount of farm acreage, and first in total cropland; and

Whereas, The agricultural producers in Preston County are in the top five counties in West Virginia in other hay tons produced (2), corn for grain bushels produced (2), maple syrup (2), and cattle (5); and

Whereas, The West Virginia Department of Agriculture launched the statewide Farm-to-School Initiative at Preston High School; and

Whereas, The citizens of Preston County are proud to be agricultural leaders in the state; and

Whereas, The citizens of Preston County travel to the state capitol on an annual basis during the legislative session to share their heritage and participate in the democratic process. This includes sharing their accomplishments, aspirations, and concerns with lawmakers; and

Whereas, It is fitting to recognize Preston County for its history, culture, economy, and future development in the State of West Virginia; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 3, 2022, as Preston County Day at the Legislature; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Preston County.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 27**, US Army TSGT Harold William Schmidle Memorial Bridge.

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

**Senate Concurrent Resolution 28**, US Army PVT Garland Lee Loudermilk Memorial Bridge.

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

**Senate Resolution 16**, Designating February 2, 2022, Jan Lilly-Stewart Disability Advocacy Day.

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

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

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 138**, Relating to Board of Medicine composition.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith (by proxy), Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 138) 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 227**, Requiring county boards of education and county superintendents to comply with instructions of State Board of Education.

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

Pending discussion,

Senator Takubo requested unanimous consent that the bill lie over one day, retaining its place on the calendar.

Which consent was not granted, Senator Woelfel objecting.

Thereafter, at the request of Senator Takubo, and by unanimous consent, Senator Takbuo's aforestated request was withdrawn.

The question now being "Shall Engrossed Committee Substitute for Senate Bill 227 pass?"

Pending discussion,

Senator Weld arose to a point of order stating debate was out of order at this time as there was no question before the body.

Which point of order, the President ruled not well taken, stating Senator Roberts agreed to yield to Senator Woelfel's questions and the discussion on the passage of the bill was in order.

Pending discussion,

On motion of Senator Takubo, the bill (Eng. Com. Sub. for S. B. 227) was laid over one day, retaining its place on the calendar.

**Eng. Com. Sub. for Senate Bill 267**, Relating to transportation of students in county board owned and insured vehicles.

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 referred to the Committee on Rules.

**Eng. Senate Bill 492**, Relating to electronic collection of tolls.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith (by proxy), Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Martin—1.

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. 492) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith (by proxy), Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Martin—1.

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. 492) takes effect from passage.

*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.

**Eng. Com. Sub. for House Bill 4067**, To make certain agency reports electronic or eliminating certain agency reports altogether.

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

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

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



**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF  
THE GOVERNOR, SECRETARY OF STATE, AND  
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;  
MISCELLANEOUS AGENCIES, COMMISSIONS,  
OFFICES, PROGRAMS, ETC.**

**ARTICLE 11B. PREGNANT WORKERS FAIRNESS ACT.**

**§5-11B-7. Reports.**

The Commission shall ~~annually~~ on October 1 of each year report to the Joint Committee on Government and Finance on the number of complaints filed under this article during the previous year and their resolution. The report shall be transmitted to the members of the committee electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, a member shall be provided a hard copy upon request.

**CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.**

**ARTICLE 6C. WEST VIRGINIA CYBER INCIDENT  
REPORTING.**

**§5A-6C-4. Cybersecurity Office annual report.**

(a) On or before December 31 of each year, and when requested by the Legislature, the Cybersecurity Office shall provide a report to the Joint Committee on Government and Finance containing the number and nature of incidents reported to it during the preceding calendar year. The report shall be transmitted to the members of the committee electronically and shall be sent to the legislative librarian to be posted on the legislative website. No hard copy of the report shall be issued; however, a member shall be provided a hard copy upon request.

(b) The Cybersecurity Office shall also make recommendations, if any, on security standards or mitigation that should be adopted.

**CHAPTER 8. MUNICIPAL CORPORATIONS.****ARTICLE 13C. MUNICIPAL TAX IN LIEU OF BUSINESS AND OCCUPATION TAX; AND MUNICIPAL TAXES APPLICABLE TO PENSION FUNDS; ADDITIONAL AUTHORITIES RELATING TO PENSIONS AND BOND ISSUANCE.****§8-13C-13. Study.**

[Repealed.]

**CHAPTER 12. PUBLIC MONEYS AND SECURITIES.****ARTICLE 7. JOBS INVESTMENT TRUST FUND.****§12-7-12. Reports of board; report of housing development fund.**

(a) The board shall prepare annually, or more frequently if deemed necessary by the board, a report of its operations and the performance of the various investments administered by it. A copy thereof shall be furnished to the Governor, the President of the Senate, the Speaker of the House of Delegates, the Legislative Auditor and, upon request, to any legislative committee. Such report shall be kept available for inspection by any citizen of this state.

(b) The West Virginia housing development fund shall prepare annually and submit to the ~~president~~ President of the Senate, the ~~speaker~~ Speaker of the House of Delegates, the Legislative Auditor and, upon request, any legislative committee, a report on the performance of the board and the quality of its investments for the preceding year.

(c) The report shall be transmitted to the President of the Senate, the Speaker of the House of Delegates, the Legislative Auditor and, upon request, any legislative committee electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

**CHAPTER 14. CLAIMS DUE AND AGAINST THE STATE.****ARTICLE 2A. COMPENSATION AWARDS TO VICTIMS OF CRIMES.****§14-2A-21. Annual report of West Virginia Legislative Claims Commission.**

The West Virginia Legislative Claims Commission shall prepare and transmit annually to the Governor and the Legislature a report of the activities of the West Virginia Legislative Claims Commission under this article. The report shall include the number of claims filed, the number of awards made, ~~and~~ the amount of each award, and a statistical summary of claims and awards made and denied; the balance in the Crime Victims Compensation Fund with a listing by source and amount of the moneys that have been deposited in the fund; the amount that has been withdrawn from the fund, including separate listings of the administrative costs incurred by the West Virginia Legislative Claims Commission, compensation of commissioners and commission personnel, and the amount awarded as attorneys' fees. The report shall be transmitted to the Governor and members of the Legislature electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

**CHAPTER 16. PUBLIC HEALTH.****ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.****§16-1-21. Creation of Diabetes Action Plan.**

[Repealed]

**ARTICLE 33. BREAST AND CERVICAL CANCER PREVENTION AND CONTROL ACT.****§16-33-6. Annual report.**

The director shall submit an annual report to the Governor and the Legislature concerning the operation of the breast and cervical cancer detection and education program including available data

and assessment. Such report shall also include any recommendations for additional action to respond to the high incidence of breast and cervical cancer in this state. The report shall be transmitted to Governor and members of the Legislature electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

#### **ARTICLE 41. ORAL HEALTH IMPROVEMENT ACT.**

##### **§16-41-6. Reporting requirements.**

[Repealed.]

#### **CHAPTER 18. EDUCATION.**

#### **ARTICLE 10L. RON YOST PERSONAL ASSISTANCE SERVICES ACT.**

##### **§18-10L-7. Report.**

[Repealed.]

#### **CHAPTER 22A. MINERS' HEALTH, SAFETY AND TRAINING.**

#### **ARTICLE 6. BOARD OF COAL MINE HEALTH AND SAFETY.**

##### **§22A-6-11. Study of methane detecting shut off devices.**

[Repealed.]

##### **§22A-6-12. Study of whistleblower protections.**

[Repealed.]

##### **§22A-6-13. Study of ingress and egress to bleeder and gob areas of longwall panels and pillar.**

[Repealed.]

**CHAPTER 29. MISCELLANEOUS BOARDS AND  
OFFICERS.**

**ARTICLE 6. CIVIL SERVICE SYSTEM.**

**§29-6-7a. Report on a centralized personnel system.**

[Repealed.]

**CHAPTER 31. CORPORATIONS.**

**ARTICLE 15A. WEST VIRGINIA INFRASTRUCTURE  
AND JOBS DEVELOPMENT COUNCIL.**

**§31-15A-17b. Infrastructure lottery revenue bonds for  
watershed compliance projects.**

(a)(1) The Chesapeake Bay has been identified as an impaired water body due to excessive nutrients entering the bay from various sources in six states, including wastewater facilities in West Virginia. To restore the Chesapeake Bay, the states have agreed to reduce their respective nutrient contributions to the Chesapeake Bay.

(2) The Greenbrier River Watershed in southeastern West Virginia which encompasses approximately 1,646 square miles, the majority of which lies within Pocahontas, Greenbrier, Monroe, and Summers counties, has been identified as an impaired water body due to excessive levels of fecal coliform and phosphorus entering the watershed from various sources, including wastewater facilities in West Virginia. To restore the Greenbrier River Watershed, the state agrees to reduce the fecal coliform and phosphorus contributions to the Greenbrier River Watershed.

(b) Notwithstanding any other provision of this code to the contrary, the Water Development Authority may issue, in accordance with the provisions of §31-15A-17 of this code, infrastructure lottery revenue bonds payable from the West Virginia Infrastructure Lottery Revenue Debt Service Fund created by §31-15A-9 of this code and such other sources as may be legally pledged for such purposes other than the West Virginia

Infrastructure Revenue Debt Service Fund created by §31-15A-17 of this code.

(c) The council shall direct the Water Development Authority to issue bonds in one or more series when it has approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed compliance projects with an authorized permitted flow of 400,000 gallons per day or more. The proceeds of the bonds shall be used solely to pay costs of issuance, fund a debt service reserve account, capitalize interest, pay for security instruments necessary to market the bonds, and to make grants to governmental instrumentalities of the state for the construction of approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed compliance projects. To the extent funds are available in the West Virginia Infrastructure Lottery Revenue Debt Service Fund that are not needed for debt service, the council may direct the Water Development Authority to make grants to project sponsors for the design or construction of approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed compliance projects: *Provided*, That the council shall direct the Water Development Authority to provide from moneys in the Lottery Revenue Debt Service Fund not needed to pay debt service in fiscal year 2013, a grant of \$6 million to a Chesapeake Bay watershed compliance project which opened bids on December 28, 2011, and further provided that such Chesapeake Bay watershed compliance project shall receive no further grant funding under this section after receipt of the \$6 million grant.

(d) No later than June 30, 2012, each publicly owned facility with an authorized permitted flow of 400,000 gallons per day or more that is subject to meeting Chesapeake Bay compliance standards or Greenbrier River watershed compliance standards shall submit to the council a 10-year projected capital funding plan for Chesapeake Bay watershed compliance projects or Greenbrier River watershed compliance projects, as the case may be, including a general project description, cost estimate, and estimated or actual project start date and project completion date, if any. The council shall timely review the submitted capital funding plans and forward approved plans to the Water Development Authority for further

processing and implementation pursuant to this article. If the council finds a plan to be incomplete, inadequate, or otherwise problematic, it shall return the plan to the applicant with comment on the plan shortcomings. The applicant may then resubmit to council an amended capital funding plan for further consideration pursuant to the terms of this subsection.

(e) Upon approval, each proposed Chesapeake Bay watershed compliance project or Greenbrier River watershed compliance project, or portion of a larger project, which portion is dedicated to compliance with nutrient standards, or fecal coliform and phosphorus standards, established for the protection and restoration of the Chesapeake Bay or the Greenbrier River watershed, as the case may be, shall be eligible for grant funding by funds generated by the infrastructure lottery revenue bonds described in subsection (b) of this section. At the request of the applicant, the remaining percentage of project funding not otherwise funded by grant under the provisions of this article may be reviewed as a standard project funding application.

~~(f) No later than December 1, 2012, the Water Development Authority shall report to the Joint Committee on Government and Finance the total cost of Chesapeake Bay watershed compliance projects and the Greenbrier River watershed compliance projects and the proposed grant awards for each eligible project. From the proceeds of bonds issued under subsection (b) of this section, the council shall direct the Water Development Authority to make grants to eligible projects ready to proceed to construction and those grant awards shall be pro rated to an equal percentage of total eligible costs among all applicants for each eligible project as certified by the Water Development Authority in its report to the Joint Committee on Government and Finance dated November 26, 2012: *Provided*, That the final project, and its financing, is consistent with the scope of the eligible project included in the council's approval on December 5, 2012~~

~~(g)~~ (f) Eligible projects that have obtained project financing prior to December 31, 2012, may apply to the council for funding under the provisions of this section. These applications shall be processed and considered as all other eligible projects, and a grant

funding awarded shall, to the extent allowed by law, be dedicated to prepay all or a portion of debt previously incurred by governmental instrumentalities of the state for required Chesapeake Bay nutrient removal projects or Greenbrier River watershed fecal coliform and phosphorus removal projects, subject to the bond covenants and contractual obligations of the borrowing governmental entity. However, any private portion of funding provided by agreement between a political subdivision and one or more private entities, either by direct capital investment or debt service obligation, shall not be eligible for grant funding under the provisions of this article.

#### **ARTICLE 18. WEST VIRGINIA HOUSING DEVELOPMENT FUND.**

##### **§31-18-24. Annual audit; reports to Joint Committee on Government and Finance; information to joint committee or legislative auditor.**

The Housing Development Fund shall cause an annual audit to be made by an independent certified public accountant of its books, accounts, and records, with respect to its receipts, disbursements, contracts, mortgages, leases, assignments, loans, and all other matters relating to its financial operations, including those of the Operating Loan Fund, the Land Development Fund, and the Mortgage Finance Bond Insurance Fund. The person performing such audit shall furnish copies of the audit report to the commissioner of finance and administration, where they shall be placed on file and made available for inspection by the general public. The person performing such audit shall also furnish copies of the audit report to the Speaker of the House of Delegates, the President of the Senate, and the majority and minority leaders of both houses. The audit report shall be transmitted to the Speaker of the House of Delegates, the President of the Senate, and the majority and minority leaders of both houses of the Legislature electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the audit report shall be issued; however, upon request a hard copy shall be provided.



In addition to the foregoing annual audit report, the Housing Development Fund shall also render every six months to the Joint Committee on Government and Finance a report setting forth in detail a complete analysis of the activities, indebtedness, receipts, and financial affairs of such fund and the Operating Loan Fund, the Land Development Fund, Affordable Housing Fund, and the Mortgage Finance Bond Insurance Fund. Upon demand, the Housing Development Fund shall also submit to the Joint Committee on Government and Finance or the Legislative Auditor any other information requested by such committee or the Legislative Auditor. The report shall be available electronically only, and no hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

### CHAPTER 33. INSURANCE.

#### ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

##### §33-25A-35. Rural health maintenance organizations.

[Repealed.]

The bill (Eng. Com. Sub. for H. B. 4067), as amended, was then ordered to 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 7**, Relating to damages for medical monitoring.

And,

**Com. Sub. for Senate Bill 481**, Relating to Adopt-A-Stream Program.

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

The Senate next proceeded to the twelfth order of business.

Remarks were made by Senators Roberts and Grady.

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

Remarks were made and prayer was offered by Senator Baldwin.

Remarks were then made by Senators Tarr and Stollings.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Tarr and Stollings 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 removed as co-sponsors of the following bills and resolution on February 1, 2022:

**Senate Bill 181:** Senator Phillips;

**Senate Bill 513:** Senator Karnes;

And,

**Senate Joint Resolution 1:** Senator Woelfel.

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 1, 2022:

**Senate Bill 3:** Senators Nelson and Martin;

**Senate Bill 181:** Senator Weld;

**Senate Bill 184:** Senator Plymale;

**Senate Bill 216:** Senator Roberts;

**Senate Bill 247:** Senator Plymale;

**Senate Bill 416:** Senator Tarr;

**Senate Bill 432:** Senators Jeffries, Takubo, and Swope;

**Senate Bill 458:** Senator Hamilton;

**Senate Bill 463:** Senators Tarr and Roberts;

**Senate Bill 481:** Senator Hamilton;

**Senate Bill 484:** Senator Martin;

**Senate Bill 488:** Senator Beach;

**Senate Bill 493:** Senator Martin;

**Senate Bill 499:** Senators Plymale and Stollings;

**Senate Bill 512:** Senator Plymale;

**Senate Bill 513:** Senator Plymale;

**Senate Bill 532:** Senators Stollings, Jeffries, Phillips, and Plymale;

**Senate Bill 533:** Senator Baldwin;

**Senate Bill 540:** Senators Woodrum, Jeffries, Lindsay, and Phillips;

**Senate Bill 542:** Senators Roberts and Plymale;

**Senate Bill 543:** Senators Woodrum and Baldwin;

**Senate Bill 549:** Senator Phillips;

**Senate Concurrent Resolution 21:** Senator Tarr;

**Senate Concurrent Resolution 27:** Senator Jeffries;

**Senate Concurrent Resolution 28:** Senators Jeffries, Smith, and Stollings;

And,

**Senate Resolution 16:** Senator Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12 Noon, the Senate adjourned until tomorrow, Thursday, February 3, 2022, at 11 a.m.

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## THURSDAY, FEBRUARY 3, 2022

The Senate met at 11:02 a.m.

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

Prayer was offered by Pastor Tim Wotring, Mission: Take Back Ministries, Bruceton Mills, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Donna J. Boley, a senator from the third district.

Pending the reading of the Journal of Wednesday, February 2, 2022,

At the request of Senator Beach, 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.

Senator Blair (Mr. President) announced that, under the provisions of Senate Resolution 10 (*Adopting special rule of order relating to COVID-19 pandemic*) adopted January 18, 2022, the following senators had been approved to vote by proxy:

Senator Rucker, and that Senator Takubo had been designated to vote on her behalf;

And,

Senator Smith, and that Senator Takubo had been designated to vote on his behalf.

The Senate then proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 6**, Establishing common law "veil piercing" claims not be used to impose personal liability.

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

**Com. Sub. for Senate Bill 6** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §31B-3-303 of the Code of West Virginia, 1931, as amended, relating to establishing the intent and policy of the Legislature that common law corporate "veil piercing" claims may not be used to impose personal liability on a member or manager of a limited liability company; nullifying the Supreme Court of Appeals of West Virginia's decision in *Joseph Kubican v. The Tavern, LLC*, 232 W.Va. 268, 752 S.E.2d 299 (2013); clarifying circumstances in which members of a limited liability company may be held liable in their capacity as members for debts, obligations, or liabilities of the company; providing for liability of non-human members of a limited liability company under doctrine of joint enterprise liability; providing for liability of a member of a limited liability company as a tortfeasor; authorizing a creditor of a limited liability company to seek "clawback" from a member of limited liability company under certain circumstances; and defining terms.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

**Senate Bill 242**, Restricting authority to prevent or limit owner's use of natural resources or real property in certain agricultural operations.

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

**Com. Sub. for Senate Bill 242** (originating in the Committee on Agriculture and Rural Development)—A Bill to amend and reenact §8A-7-10 of the Code of West Virginia, 1931, as amended, relating to municipal and county ordinances generally; prohibiting ordinances that prevent or limit a landowner's complete use of natural resources or real property for farm or agricultural operations outside of municipalities or urban areas.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Dave Sypolt,  
*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 245**, Revising wage payment and collection.

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

**Com. Sub. for Senate Bill 245** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §21-5-3 and §21-5-4 of the Code of West Virginia, 1931, as amended, all relating to

wage payment; setting forth methods for employer payment of wages; eliminating the requirements that wage payment by payroll card and direct deposit be agreed upon in writing by both payor and payee; requiring an employer paying wages by payroll card to disclose certain information to employees; and requiring an employer paying wages by payroll card to ensure that an employee can make a single withdrawal per pay period without cost to the employee.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

**Senate Bill 445**, Modifying police and firemen's pension plans for trustees.

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

**Com. Sub. for Senate Bill 445** (originating in the Committee on Pensions)—A Bill to amend and reenact §8-22-24 of the Code of West Virginia, 1931, as amended, relating to modifying police and firemen pension plans for trustees.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric Nelson, Jr.,  
*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 472**, Relating to access to juvenile records by certain employees of Division of Corrections and Rehabilitation.

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

**Com. Sub. for Senate Bill 472** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §49-5-101 of the Code of West Virginia, as amended, relating to including the Juvenile Justice Commission and its designees acting in the courses of their official duties to the list of persons and entities granted access to confidential records; granting a current or former employee of the Division of Corrections and Rehabilitation access to relevant juvenile records for purposes of pursuing a grievance; permitting the release of such records only after a hearing to determine relevancy by the Public Employees Grievance Board; providing for the sealing of such relevant records from public view and the redaction of any identifying information related to the juvenile; placing certain limitations on the grieving party's use of such records; permitting a grieving party's attorney or representative access to such records; requiring a court order for any further use of such records outside of the grievance proceeding; requiring that such court orders limit disclosure to the purposes of the proceeding; and clarifying that nothing in the section may be construed to abrogate the Freedom of Information Act.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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



Your Committee on Finance has had under consideration

**Senate Bill 487**, Relating to Revenue Shortfall Reserve Fund and Revenue Shortfall Reserve Fund – Part B.

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

**Com. Sub. for Senate Bill 487** (originating in the Committee on Finance)—A Bill to amend and reenact §11B-2-20 of the Code of West Virginia, 1931, as amended, relating to combining the totals of the Revenue Shortfall Reserve Fund and Revenue Shortfall Reserve Fund – Part B when determining surplus deposit eligibility; limiting the amount of surplus deposited into the Revenue Shortfall Reserve Fund; and providing for an effective date.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*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 Stollings, Takubo, Baldwin, Beach, Boley, Brown, Caputo, Clements, Grady, Jeffries, Karnes, Lindsay, Maynard, Phillips, Plymale, Roberts, Smith, Stover, Sypolt, Tarr, Trump, Weld, Woelfel, and Woodrum:**

**Senate Bill 570**—A Bill to amend and reenact §30-29-5a of the Code of West Virginia, 1931, as amended, relating to criminal justice training for law-enforcement officers and correction officers regarding individuals with Alzheimer's and dementias; development of course instruction; defining terms; providing for training in appropriate interactions with individuals with

Alzheimer's and dementias; and authorizing the Law-Enforcement Professional Standards Subcommittee to develop guidelines for law-enforcement and correction officer response to individuals experiencing Alzheimer's and dementias who are victims or witnesses to a crime, or suspected or convicted of a crime.

Referred to the Committee on Government Organization.

**By Senators Tarr and Sypolt:**

**Senate Bill 571**—A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

Referred to the Committee on Finance.

**By Senator Takubo:**

**Senate Bill 572**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32; and to amend and reenact §57-5-4j of said code, all relating to preventing compensatory damage awards for medical expenses from including sums that the claimant has not and will not pay for medical services or treatment.

Referred to the Committee on the Judiciary.

**By Senators Trump and Weld:**

**Senate Bill 573**—A Bill to amend and reenact §50-1-13 of the Code of West Virginia, 1931, as amended, relating to requesting that the Chief Justice of the Supreme Court of Appeals develop a rule creating a system in which magistrates may be assigned on a temporary rotating basis outside the county of their election or appointment to preside over initial appearances, petitions for domestic violence emergency protective orders, and emergency mental hygiene petitions in counties in which he or she was not elected or appointed during none court hours; granting the court authority to organize the system on a circuit-wide or regional basis as the court chooses; clarifying that magistrates presiding remotely is authorized if the Supreme Court of Appeals deems it appropriate; and eliminating antiquated language.

Referred to the Committee on the Judiciary.

**By Senators Maroney, Nelson, Takubo, and Weld:**

**Senate Bill 574**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-30, relating to the West Virginia Public Employees Insurance Act and, reimbursement of hospital inpatient rates by the plan.

Referred to the Committee on Health and Human Resources.

**By Senator Trump:**

**Senate Bill 575**—A Bill to amend and reenact §61-8B-10 of the Code of West Virginia, 1931, as amended, relating to the felony offense of imposition of sexual acts on persons incarcerated, detained, or under supervision by the Division of Corrections and Rehabilitation, the West Virginia Supreme Court of Appeals, or by any person acting pursuant to or under the authority of any sheriff, county commission, municipality, or court to ensure compliance with the provisions of §62-11B-1 *et seq.* of the code; clarifying that the felony offense applies to a person working at a juvenile facility or working for a municipal home incarceration program; providing that the felony offense applies to sexual imposition on persons detained or committed to a facility; establishing the felony offense of an attempt of the of sexual acts proscribed; penalties; and clarifying the definition of "incarcerated or detained in this state" to include adult and juvenile offenders sentenced, detained, committed, or serving a period of supervision pursuant to §62-11B-1 *et seq.* of the code.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 576**—A Bill to amend §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to unemployment insurance generally; and authorizing the receipt of unemployment benefits by an otherwise eligible person who has left employment due to his or her employer denying his or her request for a medical or religious exemption regarding a COVID-19 vaccination requirement.

Referred to the Committee on the Judiciary.

**By Senators Weld and Romano:**

**Senate Bill 577**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-65, relating to waivers of fees for emergency responders disabled in the line of duty for hunting, trapping, and fishing licenses; establishing procedures and requirements for requested the waiver; and permitting the promulgation of rules by the agency.

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

**By Senator Maynard:**

**Senate Bill 578**—A Bill to amend and reenact §55-19-6 of the Code of West Virginia, 1931, as amended, relating to employers' liability for injury, disease or illness or death resulting from employer mandated Covid-19 vaccine.

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

**By Senator Maynard:**

**Senate Bill 579**—A Bill to amend and reenact §20-2-23 of the Code of West Virginia, 1931, as amended, relating to defining standards for outfitters and guides generally and to commercial jeep tours in particular; requiring the proposal of legislative rules; specifying essential contents of proposed rules for commercial jeep tours; and defining the phrase "commercial jeep tour".

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 580**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-36A-1, §19-36A-2, §19-36A-3, and §19-36A-4, all relating to limiting liability for livestock and agritourism activities; declaring legislative intent; limiting construction of this act; defining terms; establishing the scope and limits of liability for livestock professionals and sponsors of livestock activity; and authorizing a

waiver of liability or extension of the limits of liability established in this act.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

Senators Lindsay, Jeffries, Nelson, and Takubo offered the following resolution:

**Senate Concurrent Resolution 33**—Requesting the Division of Highways name a portion of WV61, known as MacCorkle Avenue, in Marmet, Kanawha County, beginning at (38.242842), (-81.561931) and ending at (38.256364), (-81.573414), the "U. S. Army SGT Lewis M. 'Mike' Totten Memorial Road".

Whereas, Lewis Malcolm "Mike" Totten was born on August 25, 1949, the son of the late Charlotte and Roy Totten; and

Whereas, Lewis M. "Mike" Totten, a native of Marmet, was a graduate of East Bank High School and earned a Bachelor of Arts in Social Studies Education from the University of Charleston, taking courses at night over a ten-year period while working full time at E.I. DuPont in Belle; and

Whereas, SGT Lewis M. "Mike" Totten served in the U.S. Army from 1969 to 1971, rising to the rank of E5 Sergeant. SGT Lewis M. "Mike" Totten served in combat in Vietnam from March 1970 to March 1971, as part of the "air cavalry," 2nd Battalion, 7th Cavalry Regiment, until wounded in combat, and for which he has reportedly received the Purple Heart. He then served in the corp-level U.S. Army Republic of Vietnam (USARV) and was part of the intelligence-counterintelligence Phoenix Program; and

Whereas, After returning home from military service, SGT Lewis M. "Mike" Totten was a bridge inspector for the State of West Virginia; and

Whereas, SGT Lewis M. "Mike" Totten was also a certified public school teacher, a master electrician, pipefitter, and boilermaker; and

Whereas, Collaborating with former Senator Tod Kaufman, SGT Lewis M. "Mike" Totten advocated for the successful Senate resolution that led to the creation of what later became the West Virginia Veterans Memorial at the State Capitol Complex. Both met with and secured the support of Governor Arch Moore, Jr. on the issue of a state Vietnam Veterans Memorial, which later became an all-wars memorial; he later helped secure one of the largest corporate donations, from E. I. DuPont, to the state's Veterans Memorial Commission; and

Whereas, SGT Lewis M. "Mike" Totten participated in E. I. DuPont's volunteer team for "Project Teach," a semester-long effort to cover instruction in public school classrooms while, regular teachers received first-generation computer training when technology first entered the classroom. SGT Lewis M. "Mike" Totten designed the instructional program for E. I. DuPont's volunteer team, training and coaching the company's contributors; and

Whereas, While at E. I. DuPont, working in coordination with the Belle Works' Human Resources Department, SGT Lewis M. "Mike" Totten provided counseling to veterans with PTSD. He also trained employees on the first substance-abuse and smoking policy program in the global DuPont system; and

Whereas, SGT Lewis M. "Mike" Totten retired from E.I. DuPont in Belle as an electrical-instrument mechanic after 39 years of service. He developed multiple safety devices for the chemical industry and received multiple safety awards; and

Whereas, At the time of his death, SGT Lewis M. "Mike" Totten was president of the Marmet Hospital Foundation, having served on its board for several decades. His final project with the foundation created the first ADA wheelchair-accessible playground in the West Virginia State Parks system, in Kanawha State Forrest; and

Whereas, SGT Lewis M. "Mike" Totten was also a former president of the Charleston Chapter of the Vietnam Veterans of America, was a member of the American Legion, and also taught

map-reading classes for local Boy Scout troops in the Kanawha Valley; and

Whereas, SGT Lewis M. "Mike" Totten, 71, of Belle, died unexpectedly November 16, 2020, at the Cleveland Clinic, suffering cardiac arrest after contracting COVID-19 following a long-awaited kidney transplant. His kidney and heart disease were connected to Agent Orange exposure in Vietnam. He is survived by his wife, Mary Martha Totten and his son, Mark Leslie Totten. Also surviving are his sister, Debbie; brother, George Totten; sister, Marie Leavens Dawson, as well as many other extended family members; and

Whereas, It is fitting that an enduring memorial be established to commemorate SGT Lewis M. "Mike" Totten, and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of WV61, known as MacCorkle Avenue, in Marmet, Kanawha County, beginning at (38.242842), (-81.561931) and ending at (38.256364), (-81.573414), the "U. S. Army SGT Lewis M. 'Mike' Totten Memorial Road"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "U. S. Army SGT Lewis M. 'Mike' Totten Memorial Road"; 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.

Senators Hamilton, Lindsay, and Romano offered the following resolution:

**Senate Concurrent Resolution 34**—Requesting the Division of Highways name bridge number 49-033/00-015.38 (EB-WB)

(49A122-49A123), locally known as MIDDLE FK CON I BM, carrying APD 33 over Middle Fork River and CR 10/10 in Upshur County, the "U.S.M.C. SgtMaj Herman H. Brawner Memorial Bridge".

Whereas, Herman H. Brawner was enlisted in the U.S. Marine Corps at the age of 17 during WWII and fought in the Pacific Theater for the duration of the war; and

Whereas, He went on to have a 30-year military career. SgtMaj Herman H. Brawner fought in combat in three wars: WWII, Korea, and Vietnam, serving two tours in Vietnam; and

Whereas, During the Korean War, SgtMaj Herman H. Brawner and his fellow Marines dug in for an extremely bloody battle on the shore of the Chosin Reservoir with Red Chinese soldiers, in temperatures that dropped as low as 35 degrees below zero, using sandbags and frozen bodies for protection because it was too cold to dig foxholes, for which he and his fellow troops were dubbed the "Frozen Chosin"; and

Whereas, One of SgtMaj Herman H. Brawner's tours in Vietnam included an urban battle in the City of Hue, where he led out-numbered Marines into the besieged city, but still managed to kill nearly three times as many Communist North Vietnamese, and helped raise an American flag on Hue's provincial headquarters. Brawner's notebook showed that the Marine battalion, which he led, suffered some 250 casualties in battle with many more wounded in what is considered by many the bloodiest battle of the Vietnam War; and

Whereas, During his career, SgtMaj Herman H. Brawner was wounded multiple times, earning numerous service awards including a Purple Heart with two gold stars, an Asiatic-Pacific Campaign Medal with two stars, an American Campaign Medal, a Combat Action Ribbon with a Bronze Star and "V" for Valor, a Republic of Korea Presidential Unit Citation with two stars, a United Nations Service Medal, two Republic of Vietnam Gallantry Cross Medals, one with a Silver Star and one with a Palm Ribbon,



a Vietnam Campaign Medal with 1960 Device, plus a good conduct medal with many other citations and awards; and

Whereas, SgtMaj Herman H. Brawner also received recognition with a special Navy Commendation Medal including a combat "V" for Valor during WWII; and

Whereas, SgtMaj Herman H. Brawner retired as the head Noncom Military Police Marine in South East Asia overseeing U.S. Embassy security in five countries and, upon his retirement, finished his work career with Louisiana Pacific Lumber; and

Whereas, SgtMaj Herman H. Brawner and his wife, Fayma, chose West Virginia following his retirement, where he spent the remainder of his life on his farm in Upshur County, providing counsel and help to all who knew him; and

Whereas, It is fitting that an enduring memorial be established to commemorate SgtMaj Herman H. Brawner for his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways name bridge number 49-033/00-015.38 (EB-WB) (49A122-49A123), locally known as MIDDLE FK CON I BM, carrying APD 33 over Middle Fork River and CR 10/10 in Upshur County, the "U.S.M.C. SgtMaj Herman H. Brawner 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 "U.S.M.C. SgtMaj Herman H. Brawner 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 and to SgtMaj Herman H. Brawner's widow, Fayma Brawner.

Which, under the rules, lies over one day.

Senator Maynard offered the following resolution:

**Senate Concurrent Resolution 35**—Requesting the Division of Highways name bridge number 11-31-8, carrying Twelve Pole Creek Road/Old NW Railroad Bed Road 3/05 over West Fork Twelve Pole Creek west of Big Sang Kill Road in Mingo County, the "Ira 'Noon' Copley and Marie Copley Memorial Bridge".

Whereas, Ira "Noon" Copley was born in 1926 in Wilsondale, West Virginia, to Lawrence and Nora Copley; and

Whereas, Ira "Noon" Copley attended Burch High School in Delbarton, West Virginia; and

Whereas, After graduating, Ira "Noon" Copley enlisted in the Navy on January 22, 1944; and

Whereas, Upon his release from the Navy on November 6, 1945, Ira "Noon" Copley returned home and drove a taxicab, worked on a sawmill, and eventually owned his own sawmill and lumber yard. He started High Spur Coal Company with Shorty Hartman of Logan, West Virginia, and started Lady K Coal in Dingess, West Virginia. Ira "Noon" Copley was an innovator and risk-taker. He developed what was then called a "coal tube". Although many said his idea would not work, he built and successfully maintained the only two in this part of the country; and

Whereas, Ira "Noon" Copley was responsible for an ambulance service in Dingess, West Virginia, and, when funds didn't come in as expected, he gave quietly every month to keep it going. He also provided land and helped to bring in a medical facility, through Logan General Hospital, which served the community of Dingess for many years; and

Whereas, Ira and Marie Copley not only made an impact in Dingess, by providing jobs and giving thousands of dollars to local churches, but their impact was felt in faraway places. They built the Han Young Theological Seminary in Seoul Korea. Ira "Noon" Copley's last project before his death was to provide a landfill in order to clean up garbage and debris littered across Mingo, Logan,

and Wayne counties. Unfortunately, with his untimely death, the project came to a halt; and

Whereas, Ira and Marie Copley touched many lives with their heart for giving and helping others; and

Whereas, Ira "Noon" Copley died on April 30, 1988, and Marie Copley died on March 19, 2018; and

Whereas, It is fitting that an enduring memorial be established to commemorate Ira "Noon" Copley and Marie Copley and their contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 11-31-8, carrying Twelve Pole Creek Road/Old NW Railroad Bed Road 3/05 over West Fork Twelve Pole Creek west of Big Sang Kill Road in Mingo County, the "Ira 'Noon' Copley and Marie Copley 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 "Ira 'Noon' Copley and Marie Copley 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 Weld offered the following resolution:

**Senate Resolution 18**—Designating February 7, 2022, as Sexual Violence Awareness Day in West Virginia.

Whereas, Sexual Violence Awareness Day draws attention to the fact that sexual violence is widespread and has implications for every community member; and

Whereas, All people have a right to be safe in their home, school, workplace, college campus, and community; and

Whereas, One in six women and one in 22 men in West Virginia will be victims of an attempted or completed forcible rape; and

Whereas, The West Virginia Foundation for Rape Information and Services and the state's rape crisis centers have been working for 40 years. They individually and collaboratively, provide quality services and systemic change to give West Virginia residents of all ages the opportunity to live in communities and homes free from violence and fear; and

Whereas, No one person, organization, agency, or community can eliminate sexual violence on their own. Therefore we must together to educate our population about what can be done to prevent sexual assault, support victim/survivors and their families, and increase assistance for agencies providing services to victim/survivors; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 7, 2022, as Sexual Violence Awareness Day in West Virginia; and, be it

*Further Resolved,* That the Senate is committed to treating this problem with the seriousness it deserves by working to achieve solutions that deter, prevent, and reduce sexual violence in our state; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Foundation for Rape and Information Services.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Com. Sub. for Senate Concurrent Resolution 17,** US Air Force SSGT Logan A. Young Memorial Bridge.

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

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

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

**Senate Concurrent Resolution 21**, Putnam County Veterans Memorial Bridge.

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

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

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

**Senate Concurrent Resolution 23**, USMC CPL Guy Maywood Edwards Memorial Bridge.

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

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

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

**Senate Concurrent Resolution 29**, Nitro WW I Memorial Bridge.

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

**Senate Concurrent Resolution 30**, McClintic Family Bridge.

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

**Senate Concurrent Resolution 31**, US Navy HM3 Roy Elmer "Doody" Moon Bridge.

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

**Senate Concurrent Resolution 32**, Curtis "Pap" and Millie "Mammie" Asbury Memorial Bridge.

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

**Senate Resolution 4**, Urging US Army Corps of Engineers study clean energy production at Summersville dam.

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

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

**Senate Resolution 17**, Designating February 3, 2022, as Preston County Day.

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

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

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 227**, Requiring county boards of education and county superintendents to comply with instructions of State Board of Education.

Having been read a third time on yesterday, Wednesday, February 2, 2022, and now coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was rereferred to the Committee on Education.

**Eng. Com. Sub. for House Bill 4067**, To make certain agency reports electronic or eliminating certain agency reports altogether.

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, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith (by proxy), Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Baldwin and Woelfel—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 H. B. 4067) passed.

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

**Eng. Com. Sub. for House Bill 4067**—A Bill to repeal §8-13C-13 of the Code of West Virginia, 1931, as amended; to repeal §16-1-21 of said code; to repeal §16-41-6 of said code; to repeal §18-10L-7 of said code; to repeal §22A-6-11, §22A-6-12, and §22A-6-13 of said code; to repeal §29-6-7a of said code; to repeal §33-25A-35 of said code; to amend and reenact §5-11B-7; to amend and reenact §5A-6C-4 of said code; to amend and reenact §12-7-12 of said code; to amend and reenact §14-2A-21 of said code; to amend and reenact §16-33-6 of said code; to amend and

reenact §31-15A-17b of said code; and to amend and reenact §31-18-24 of said code, all relating to making certain reports electronic rather than in printed hard-copy form; providing for hard copies to be furnished upon request; and eliminating the reporting requirement entirely for those agencies whose reports are no longer needed or whose deadlines have passed with reports already submitted.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Baldwin and Woelfel—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 H. B. 4067) takes effect from passage.

*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 7**, Relating to damages for medical monitoring.

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 481**, Relating to Adopt-A-Stream Program.

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 2**, Relating to unemployment benefits program.

**Com. Sub. for Senate Bill 3**, Requiring work search activities to qualify for unemployment benefits.

**Com. Sub. for Senate Bill 231**, Relating generally to broadband connectivity.

**Com. Sub. for Com. Sub. for Senate Bill 264**, Relating to conservation districts law of WV.

**Senate Bill 493**, Requiring county BOE make meetings available to public in-person and through internet.

**Senate Bill 499**, Authorizing legislative rules for School Building Authority.

**Eng. House Bill 2325**, Removing the requirement of continuing education for barbers and cosmetologists.

**Eng. Com. Sub. for House Bill 4062**, Removing the residency requirement for the Commissioner of the Division of Highways.

And,

**Eng. House Bill 4301**, Reforming membership requirements of Huntington Park and Recreation District Board.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Lindsay, Brown, Grady, and Stollings.

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senators Lindsay and Brown were ordered printed in the Appendix to the Journal.

At the request of Senator Lindsay, unanimous consent being granted, the remarks by Senators Grady and Stollings 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 senator was removed as a co-sponsor of the following bill on February 2, 2022:

**Senate Bill 426:** Senator Stollings.

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 2, 2022:

**Senate Bill 97:** Senator Stollings;

**Senate Bill 133:** Senator Stollings;

**Senate Bill 487:** Senator Hamilton;

**Senate Bill 533:** Senator Roberts;

**Senate Bill 546:** Senator Roberts;

**Senate Bill 556:** Senators Stollings and Woodrum;

**Senate Bill 557:** Senators Baldwin and Trump;

**Senate Bill 558:** Senators Woelfel, Caputo, and Phillips;

**Senate Bill 559:** Senators Stollings, Woelfel, Caputo, Baldwin, and Lindsay;

**Senate Bill 560:** Senators Stollings and Woodrum;

**Senate Bill 562:** Senators Stollings and Woodrum;

**Senate Bill 564:** Senator Stollings;

**Senate Concurrent Resolution 29:** Senators Stollings, Woodrum, Lindsay, and Phillips;

**Senate Concurrent Resolution 30:** Senators Jeffries, Phillips, and Woelfel;

**Senate Concurrent Resolution 31:** Senators Stollings, Jeffries, and Phillips;

**Senate Concurrent Resolution 32:** Senators Stollings, Woelfel, Jeffries, and Phillips;

And,

**Senate Resolution 17:** Senators Jeffries and Hamilton.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:37 a.m., the Senate adjourned until Monday, February 7, 2022, at 11 a.m.

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## MONDAY, FEBRUARY 7, 2022

The Senate met at 11 a.m.

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

Prayer was offered by Ralph Coleman, Senate Assistant Doorkeeper, Big Chimney, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Chandler Swope, a senator from the sixth district.

Pending the reading of the Journal of Thursday, February 3, 2022,

At the request of Senator Brown, 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.

Senator Blair (Mr. President) announced that, under the provisions of Senate Resolution 10 (*Adopting special rule of order relating to COVID-19 pandemic*) adopted January 18, 2022, the following senators had been approved to vote by proxy:

Senator Rucker, and that Senator Takubo had been designated to vote on her behalf;

And,

Senator Smith, and that Senator Takubo had been designated to vote on his behalf.

The Senate 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 4311**—A Bill to amend and reenact §3-9-17 of the Code of West Virginia, 1931, as amended, prohibiting knowingly and willfully voting more than once in any election, whether held in West Virginia or between West Virginia and another state, and making such violations a felony offense; making it a felony offense to vote or attempt to vote when not legally entitled to do so; making it a felony offense to procure or attempt to procure the acceptance of illegal votes or the rejection of legal votes; and making it a felony offense to alter ballots, or deceive voters.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 3rd day of February, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**(S. B. 244)**, Relating to appointment of judges to Intermediate Court of Appeals.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Steve Westfall,  
*Vice Chair, House Committee.*

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

Your Committee on Education has had under consideration

**Senate Bill 216**, Creating Student Journalist Press Freedom Restoration Act.

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

**Com. Sub. for Senate Bill 216** (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, §18-34-2, §18-34-3, and §18-34-4; and to amend said code by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, and §18B-21-4 all relating to student journalist press freedom; creating the Secondary Student Journalist Press Freedom Restoration Act and the Higher Education Student Journalist Press Freedom Act; providing for legislative findings; defining terms; providing that a student journalist has the right to exercise freedom of speech and of the press in school-sponsored media; allowing

student media advisors to teach professional standards of English and journalism to student journalists; providing expression that is not authorized or protected by student journalists' freedom of expression section; prohibiting prior restraint of material prepared for official school publications with certain exceptions; clarifying that nothing in student journalist freedom of expression section is to be construed as authorizing the publication of an advertisement in a school-sponsored media that promotes the purchase of a product or service that is unlawful for purchase or use by minors; providing that a student journalist cannot be disciplined for exercising freedom of speech and of the press in school-sponsored media; providing that a state institution of higher education student media adviser cannot be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for certain specified reasons; requiring adoption of written policy for the exercise of the right of student journalists to freedom of speech and the press in school sponsored media; providing that no expression made by students in the exercise of free speech or free press rights is deemed to be an expression of school policy and no school district or employee of a school district shall be held responsible in any civil or criminal action for any expression made or published by students; allowing institution of proceedings for injunctive or declaratory relief to enforce rights provided in student journalists' freedom of expression section; and providing that the student journalist press freedom restoration acts do not apply to private middle or high schools or private colleges or universities.

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

Respectfully submitted,

Rollan A. Roberts,  
*Vice Chair.*

The bill (Com. Sub. for S. B. 216), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

**Senate Bills 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 324, 325, 326, 327, 328, and 329**, Alcohol Beverage Control Commission rule relating to private club licensing.

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

**Com. Sub. for Senate Bill 312** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-7-1 *et. seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Revenue to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to private club licensing; relating to authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to nonintoxicating beer licensing and operations procedures; relating to authorizing the Insurance Commission to promulgate a legislative rule relating to continuing education for individual insurance producers and individual in; relating to authorizing the Insurance Commission to promulgate a legislative rule relating to the adoption of the valuation manual; relating to authorizing the Insurance Commission to promulgate a legislative rule relating to pharmacy auditing entities and pharmacy benefit managers; relating to authorizing the Insurance Commission to promulgate a legislative rule relating to term and universal life insurance reserve financing; relating to authorizing the Insurance Commission to promulgate a legislative rule relating to bail bondsmen in criminal cases; relating to authorizing the Lottery Commission to promulgate a legislative rule relating to the West Virginia Lottery State Lottery Rules; relating to authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia Lottery Limited Video Lottery Rule; relating to authorizing the Racing Commission to promulgate a legislative

rule relating to thoroughbred racing; relating to authorizing the Racing Commission to promulgate a legislative rule relating to pari-mutuel wagering; relating to authorizing the Tax Department to promulgate a legislative rule relating to the West Virginia tax credit for Federal Excise Tax imposed upon small arms and ammunition manufacturers; relating to authorizing the Tax Department to promulgate a legislative rule relating to the Sales Tax Holiday; relating to authorizing the Tax Department to promulgate a legislative rule relating to the exemption for repair, remodeling, and maintenance of an aircraft; relating to authorizing the Tax Department to promulgate a legislative rule relating to vendor absorption or assumption of Sales and Use tax; and relating to authorizing the Tax Department to promulgate a legislative rule relating to on-line bingo and raffles; and relating to authorizing the Tax Department to promulgate a legislative rule to the corporation net income tax.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*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 419**, Establishing pilot project to evaluate impact of certain post-substance use disorder residential treatments.

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

**Com. Sub. for Senate Bill 419** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29, relating to the Department of Health and



Human Resources entering into contracts with managed care organizations that allow payments based upon performance-based metrics; evaluating the impact that post-discharge planning and the provision of wraparound services has on the outcomes of substance use disorder in three years post-substance use disorder residential treatment; requiring the Bureau for Medical services to seek an amendment to existing waivers from the Centers for Medicare and Medicaid Services; creating advisory committee; setting terms of performance based contract; and required reporting.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

Senator Roberts, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

**Senate Bill 501**, Eliminating requirement on apprenticeship tax credit for certain tax years.

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

**Com. Sub. for Senate Bill 501** (originating in the Committee on the Workforce)—A Bill to amend and reenact §11-13W-1 of the Code of West Virginia, 1931, as amended, all relating to the tax credit for apprenticeship training; eliminating the requirement that the credit base be limited to wages paid to apprentices in the construction trades; specifying effective date; and making stylistic changes.

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,

Rollan A. Roberts,  
*Chair.*

The bill (Com. Sub. for S. B. 501), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

**Senate Bill 533**, Relating to funding for health sciences and medical schools in state.

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

**Com. Sub. for Senate Bill 533** (originating in the Committee on Finance)—A Bill to amend and reenact §11-19-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-19-13; and to amend said code by adding thereto a new section, designated §33-3-14e, all relating to funding for health sciences and medical schools in this state; eliminating the direction of proceeds of the soda tax into special medical school fund; providing for the eventual elimination of the tax; providing for a sunset date; directing a portion of insurance premium tax to health sciences and medical schools in this state; setting out findings; providing for specific amounts to be directed to Health Sciences Center at West Virginia University, Marshall University School of Medicine, and West Virginia school of Osteopathic Medicine; providing for effective dates, providing for quarterly distribution for dedicated fund; and providing that the amounts directed from premium tax shall not limit total appropriation to the health sciences and medical schools.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 540**, Allowing municipal fire departments provide retirees with service weapon in certain circumstances.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on Finance has had under consideration

**Senate Bill 546**, Expanding uses of fees paid by students at higher education institutions.

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

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

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

Your Committee on Finance has had under consideration

**Senate Bill 550**, Relating to funding for higher education institutions.

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

**Com. Sub. for Senate Bill 550** (originating in the Committee on Finance)—A Bill to amend and reenact §18B-1-1f of the Code of West Virginia, 1931, as amended; and to amend and reenact §18B-1B-4 of said code; all relating to funding for institutions of higher education; clarifying the powers and duties of the Higher Education Policy Commission; establishing additional criteria for a state institution of higher education to be considered exempt from the requirement that the council or the commission approve the establishment of new programs on their own campuses for programs incentivized within the funding formula established herein; directing the Higher Education Policy Commission to develop and implement a funding formula model; providing that the funding formula shall govern the appropriation requests to the Legislature regarding distribution of general revenue to the state's institutions of higher education; providing for rulemaking; setting forth factors to be included in the rule; setting out factors which may not be included in the rule and making the rule applicable to the 2024 budget cycle.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 576**, Relating to unemployment insurance and COVID-19 vaccination requirement.

And reports the same back without recommendation as to passage.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

**Eng. Com. Sub. for House Bill 3220**, Restrictions on Taxpayer funded lobbying.

And has amended same.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

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

Your Committee on Education has had under consideration

**Eng. Com. Sub. for House Bill 4074**, Require schools provide eating disorder and self-harm training for teacher and students.

And has amended same.

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

Respectfully submitted,

Rollan A. Roberts,  
*Vice Chair.*

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

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

Your Committee on Health and Human Resources has had under consideration

**Eng. Com. Sub. for House Bill 4276**, WVU to create a Parkinson's disease registry.

And has amended same.

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

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 Maynard:**

**Senate Bill 581**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-20-1 and §55-20-2, all relating to immunity from civil liability for owners, agents, employees, or contractors of sports or exposition venues; providing definitions; and providing for exceptions to immunity.

Referred to the Committee on the Judiciary.

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

**Senate Bill 582**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-33-1, §29-33-2, §29-33-3, and §29-33-4, all relating to creating the West Virginia Workforce Resiliency Act; establishing the West Virginia Workforce Resiliency Office in the Office of the Governor; establishing the position of the West Virginia Workforce Resiliency Officer; setting forth the authority and duties of the West Virginia Workforce Resiliency Officer; and allowing for the West Virginia Workforce Resiliency Officer to hire staff.

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

**By Senator Maynard:**

**Senate Bill 583**—A Bill to amend and reenact §31B-2-203 of the Code of West Virginia, 1931, as amended; to amend and reenact §31B-10-1002 of said code; to amend and reenact §31D-2-202 of said code; to amend and reenact §31E-2-202 of said code; to amend and reenact §47-9-8 of said code; and to amend and reenact §59-1-2a of said code, all relating to permitting registered business organizations to voluntarily submit a public telephone number to the Secretary of State.

Referred to the Committee on the Judiciary.

**By Senator Jeffries:**

**Senate Bill 584**—A Bill to amend and reenact §31-15A-17c of the Code of West Virginia, 1931, as amended, all relating to the critical needs and failing systems sub account; increasing the maximum loan balance for each congressional district from \$4 million to \$6 million; and increasing the cap relating to providing extensions to a water facility or wastewater facility from \$1 million to \$1.5 million.

Referred to the Committee on Finance.

**By Senator Takubo:**

**Senate Bill 585**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-11c, relating to administrative licenses and granting rule-making authority related thereto.

Referred to the Committee on Health and Human Resources.

**By Senator Weld:**

**Senate Bill 586**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25e, relating to allowing students to transfer schools and retain his or her athletic eligibility at least one-time during a student's four years of secondary school.

Referred to the Committee on Education.

**By Senator Azinger:**

**Senate Bill 587**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1-31, relating to establishing a tip line to the Governor's office for when parents or students observe the teaching of Critical Race Theory in West Virginia public schools.

Referred to the Committee on Education.

**By Senator Trump:**

**Senate Bill 588**—A Bill to amend and reenact §5B-1A-1, §5B-1A-2, §5B-1A-3, §5B-1A-4, §5B-1A-5, §5B-1A-6, and §5B-1A-9 of the Code of West Virginia, 1931, as amended, all relating to updating and correcting sections of the West Virginia Rail Trails Program; providing for updating definitions to include a definition of "rail with trail;" and addressing railroad liability and safety risk concerns proposed during the 2021 regular legislative session.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 589**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-15a, relating to setting forth legislative findings and



declarations; defining "area of critical need and shortage for substitute bus operators"; setting forth conditions under which a person receiving certain retirement benefits or who is entitled to retirement benefits during the fiscal year in which that person retired, can accept employment as a critical need substitute bus operator for an unlimited number of days each fiscal year without affecting the monthly retirement benefit to which the retirant is otherwise entitled; requiring loss of certain retirement benefits for any person who retires and begins work as a critical need substitute bus operator within the same fiscal year; providing that retired bus operators employed to perform expanded substitute service are considered day-to-day, temporary, part-time employees who are not eligible for benefits paid to regularly employed employees and may not accrue seniority; requiring county board to continue to post the vacant position and to post electronically when a retired bus operator is employed as critical need substitute; and providing expiration date for section.

Referred to the Committee on Education.

**By Senator Woelfel:**

**Senate Bill 590**—A Bill to amend and reenact §37-6-5, §37-6A-1, §37-6A-5, of the Code of West Virginia, 1931, as amended; and to amend and reenact §55-3A-1 of said code, all relating generally to clarifying that tenancy includes persons who reside in a sober living home; providing a definition for a "sober living home"; and providing that reasonable attorney's fees shall be awarded for a landlord's willful or bad-faith noncompliance relating to rental security deposits when the tenant resides in a sober living home.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 591**—A Bill to amend and reenact §3-10-5 of the Code of West Virginia, 1931, as amended, relating to the process for filling vacancies in the state Legislature; clarifying the process for filling a vacancy if the member was elected to a multi-county senatorial or delegate district; and authorizing the county executive

committee of single-county senatorial or delegate district to fill vacancies.

Referred to the Committee on the Judiciary.

Senator Romano offered the following resolution:

**Senate Concurrent Resolution 36**—Requesting the Division of Highways name bridge number 17-098/00-004.06 (17A348), locally known as V.A. Hospital Bridge, carrying WV 98 over Fitness Trail in Harrison County, the "U.S.M.C. CPL Harry Edward Dean Jr., Memorial Bridge".

Whereas, Harry Edward Dean, Jr., was educated during the era of the polio pandemic and received his degree in physical therapy in 1950, after being interrupted for his service in the U.S. Marine Corps during WW II. He served in the Pacific during WW II with combat tours in Okinawa, the Ryukyu Islands, and occupied China; and

Whereas, CPL Harry Edward Dean Jr., was one of the state's first physical therapists, advocate, and friend for thousands of West Virginia children with disabilities. He held a full-time job at the VA Medical Center in Clarksburg, West Virginia, while treating disabled children in his spare time, teaming with the Clarksburg Rotary Club to launch the Children's Treatment Center in 1955; and

Whereas, CPL Harry Edward Dean Jr., while continuing his treatment of children with disabilities, was the first licensed physical therapist to open the St. Mary's Hospital Physical Therapy Department and, as the head physical therapist, he became the executive director of the Easter Seal Society in 1971; and

Whereas, CPL Harry Edward Dean Jr., began a two-week summer camping program in 1971 for children with disabilities at Camp Horseshoe, in Parsons, West Virginia. He mentored medical school students who served as counselors year after year, out of respect for his selfless passion, and in turn becoming life-long friends, inspiring dozens with the same selfless passion; and

Whereas, No fees were ever charged for any of the services provided at the Children's Treatment Center during the time CPL Harry Edward Dean Jr., was director because he and others raised the needed funds through private and corporate donations, grants, and trusts. He always said he was richly rewarded with the success of the children with disabilities he treated and gratitude of their families; and

Whereas, CPL Harry Edward Dean Jr., was a member of the American Physical Therapy Association and the West Virginia Physical Therapy Association, and was awarded the West Virginia Physical Therapy Pioneer Award in 2007; and

Whereas, It is fitting that an enduring memorial be established to commemorate CPL Harry Edward Dean Jr., and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 17-098/00-004.06 (17A348), locally known as V.A. Hospital Bridge, carrying WV 98 over Fitness Trail in Harrison County, the "U.S.M.C. CPL Harry Edward Dean 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 "U.S.M.C. CPL Harry Edward Dean 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 Romano offered the following resolution:

**Senate Concurrent Resolution 37**—Requesting that the Division of Highways name bridge number 17A332 (17-098/00-003.27), locally known as the Veterans' Park Bridge, carrying State

Route 98 over the West Fork River in Harrison County, the "Harrison County Veterans Memorial Bridge".

Whereas, Harrison County citizens have long been known as the first to fight for their country, and Harrison County was the centerpiece of West Virginias' efforts to fight the Axis Powers during WWII, seeing thousands of recruits on their way to defend their country; and

Whereas, Naming this bridge in honor of all the men and women who have served in the United States Armed Forces from Harrison County; and

Whereas, It is a fitting that an enduring memorial be established to commemorate the Harrison County Veterans for their contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 17A33 (17-098/00-003.27), locally known as the Veterans' Park Bridge, carrying State Route 98 over the West Fork River in Harrison County, the "Harrison County Veterans 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 "Harrison County Veterans 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 Romano offered the following resolution:

**Senate Concurrent Resolution 38**—Requesting the Division of Highways name bridge number 17-050/00-006.08 (EB and WB) (17A187, 17A189), (39.28925, -80.49021), locally known as LOG CABIN BRIDGE, carrying APD 50 (EB and WB) over TENMILE

CREEK, Harrison County, the "Cox Brothers' Veteran Memorial Bridge".

Whereas, The Cox Family demonstrated their utmost patriotism for the United States with 11 of 15 brothers in a family of 21 children serving in the U.S. military, including seven brothers who served during WWII; and

Whereas, Vaughn Cox was with the 101st Airborne, serving as a paratrooper on D-Day being shot several times before he hit the ground. Thereafter, Vaughn was picked up by burial crews who discovered that he still was alive after which he recovered and returned home with a glass eye having earned three Purple Hearts; and

Whereas, Glenn Cox was stationed with the Navy on Ocracoke Island at a top secret Amphibious Training Base where he operated from the "Loop Shack" to track Nazi U-Boats. Then at the end of the war, as reported by his daughter, Glenn had the honor of transcribing the radio code message announcing the end of WWII to his fellow sailors; and

Whereas, Edward Cox fought during the horrible battles for Guadalcanal and the Southern Philippines during WWII. He reenlisted and served in the Korean War, garnering multiple honors including medals for the Asiatic-Pacific Theater Campaign with two bronze stars, Philippine Liberation Ribbon with one bronze star and the Army of Occupation Medal, Korea; and

Whereas, Paul Loutrell Cox was a U.S. Marine, PFC-6, during WWII serving in the Central Pacific throughout those difficult times; and

Whereas, Carlos Walter Cox was a Staff Sergeant in the Army who served in Northern France and the Rhineland during WWII earning multiple service ribbons for valor and bravery; and

Whereas, Calvin Leco Cox served his country in the Army as Private First Class-Ordinance in Walla Walla, Washington; and

Whereas, The Cox Brothers' half-brother, Kenneth Bickerstaff, was in the Army and stationed in Australia during WWII to help fight off the Japanese invasion in the Pacific; and

Whereas, All seven of the Cox brothers who served in WWII were listed on the Honor Memorial in Wolf Summit, West Virginia, dedicated in 1946, symbolizing their heroism and sacrifice for continued freedom of the United States and our democracy; and

Whereas, It is fitting that an enduring memorial be established to commemorate all seven of the Cox brothers, who served in WWII, and their contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge numbers: 17-050/00-006.08 (EB and WB) (17A187, 17A189), (39.28925, -80.49021) locally known as LOG CABIN BRIDGE, carrying APD 50 (EB and WB) over TENMILE CREEK, Harrison County, the "Cox Brothers' Veteran 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 "Cox Brothers' Veteran 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 Romano offered the following resolution:

**Senate Concurrent Resolution 39**—Requesting the Division of Highways to name bridge number 20-079/00-019.22 (NB and SB) (20A514-20A515), locally known as I-79 CLENDENIN I/C NB, carrying I-79 over CR 53 in Kanawha County, the "Walker Brothers' Veteran Memorial Bridge".

Whereas, All five of the Walker men volunteered for military service during the Vietnam War with three experiencing injuries while on active duty; and

Whereas, Albert J.L. Walker served as a civil engineer in the U.S. Air Force at the Eielson Air Force Base in Alaska when the Great Alaskan Earthquake struck in 1964. He was active in rescue efforts and recovery of the dead following the strongest earthquake in North American history; and

Whereas, Allie Melton Walker served in the U.S. Air Force at the Kaden Air Force Base, Okinawa, Japan, as an aircraft mechanic. He deployed to Vietnam for three months at a time as the crew chief on the C130 aircraft delivering cargo and picking up the wounded and the dead. He earned a Good Conduct Medal (AFGCM w/1BR OLC), Special Ops, and marksmanship; and

Whereas, Ray Milton Walker served in the U.S. Army at the Dong Tam Base Camp where he was a part of the ground recon team for the 1st Aviation Brigade. He was awarded the Combat Infantryman Badge (CIB), Bronze Star, National Defense Service Medal with two bronze stars, and Marksman Badge with Rifle Bar; and

Whereas, Ray Milton Walker is now suffering from cancer and long-term health issues from his exposure to Agent Orange; and

Whereas, Roger Bill Walker served in the U.S. Air Force at Udorn Airbase, Thailand, as a radar operator and air traffic controller assisting with the bombing of North Vietnam. He received the National Defense Service Medal, Vietnam Service Medal, Air Force Good Conduct, and Special Ops; and

Whereas, David Allen Walker joined the WV Army National Guard while he was still a senior in high school, serving as a Green Beret with the 19th S.F. Group Airborne as a combat engineer. He was injured during paratrooper trainer when his plane caught on fire and forced him to jump onto the tarmac wearing full combat gear, injuring both of his feet. He continued to serve in supply and transport. David Allen Walker also served the State of West

Virginia as a WV Delegate from the 33rd District from 2009 to 2015; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Walker brothers and their contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 20-079/00-019.22 (NB and SB) (20A514-20A515), locally known as I-79 CLENDENIN I/C NB, carrying I-79 over CR 53 in Kanawha County, the "Walker Brothers' Veterans 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 "Walker Brothers' Veterans 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 Romano offered the following resolution:

**Senate Concurrent Resolution 40**—Requesting the Division of Highways name bridge number 17-034/00-000.01 (17A296), (39.23653, -80.39654), locally known as Laurel Park Truss, carrying CR 34 over West Fork River in Harrison County, the "Frye Brothers' Memorial Bridge".

Whereas, Three of the four Frye brothers served in World War II, with one brother killed in action; and

Whereas, The Frye brothers' father was killed in a coal mining accident forcing their mother to send them to group homes, until she found a job and was able to support her four boys and two girls who were all under the age of 12; and



Whereas, The oldest Frye brother, Thomas, was not allowed to enlist because he worked in the defense industry and would have been his widowed mother's sole source of support if his younger brothers were killed; and

Whereas, Kermit C. Frye was drafted in 1940 and served as a Navy Seaman Second Class; and

Whereas, Kermit C. Frye was killed in action with his body "lost at sea" after the East Indian motor merchant ship was torpedoed and sunk off the Coast of South Africa on November 3, 1942; and

Whereas, Kermit C. Frye was awarded a posthumous Purple Heart and memorialized with a cross at the North Africa American Cemetery in Carthage, Tunisia; and

Whereas, Richard G. Frye was drafted in 1942 and served as Army Private First Class, fighting in both Africa and Germany combat campaigns; and

Whereas, Harold Q. Frye, known as "Red", due to the color of his hair, was drafted in 1942 and served as a Private First Class cannoneer in the 119th Field Artillery Division of the 9th Army; and

Whereas, Harold Q. Frye, jumped into the icy waters off Normandy, surrounded by the bodies of dead comrades, making it safely to shore despite carrying a 90-pound pack and having a severe asthma attack, while fellow soldier Dale Crim shouted, "Swim Frye! Swim Dammit". Dale Crim later told Frye's daughter that the experience was so haunting many soldiers never talked about it, but he wanted her to know the bravery of her father and how they encouraged each other to survive; and

Whereas, Harold Q. Frye, operated a "Long Tom" gun during the Battle of the Bulge with a commendation from the XIX Corps Artillery headquarters for helping to protect aircraft, armor, and infantry as they made their rapid run through Germany in pursuit of enemy troops; and

Whereas, Harold Q. Frye received an additional commendation from Lieutenant General W. H. Simpson for taking part in the six-week bloody battle. Approximately 19,000 American troops were killed before the crushing defeat of the German Army was completed; and

Whereas, Harold Q. Frye returned to Clarksburg after the war and served as a nursing assistant at the Veterans Hospital for more than 20 years. He was recognized for saving the life of a patient who became choked on a piece of meat; and

Whereas, Harold Q. Frye retired after he was injured during an attack by a patient in the VA Psychiatric Unit; and

Whereas, it is fitting that an enduring memorial be established to commemorate the Frye brothers for the contributions of Thomas Frye, Kermit C. Frye, Richard G. Frye, and Harold Q. Frye to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name Bridge Number 17-034/00-000.01 (17A296), (39.23653, - 80.39654), locally known as Laurel Park Truss, carrying CR 34 over West Fork River in Harrison County, the "Frye Brothers' 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 "Frye Brothers' 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 and to forward four copies of the resolution to family members.

Which, under the rules, lies over one day.

Senator Romano offered the following resolution:

**Senate Concurrent Resolution 41**—Requesting the Division of Highways name bridge number 08-011/00-023.08 (08A108), locally known as NEW DILLE BR 23.03, carrying CR 11 over Strange Creek in Clay County, the "Henry Preston Hickman Memorial Bridge".

Whereas, Henry Preston Hickman was a beloved community leader in Dille, West Virginia. He was a source of guidance and wisdom affectionately known as "Grandpa" to all who knew and loved him; and

Whereas, Henry Preston Hickman filled out an "Old Man's Draft" registration card during WWII when he was 59 years old. However, he was never called to active duty, but served in critical industrial and civilian roles in both WWII, as well as the Korean War providing important materials for the war effort; and

Whereas, Henry Preston Hickman operated three sawmills, employing nearly 80 men and opened a coal mine and coal tippie on his property, providing additional jobs for the community, including creating jobs for troubled youth. He served on the Clay County Draft Board during the Korean War; and

Whereas, Henry Preston Hickman served as the Buffalo District Representative on the Clay County Board of Education for 33 years, several as board president; and

Whereas, Henry Preston Hickman, donated a large piece of property for the construction of the Dille Grade School. He helped build and maintain a neighborhood community center, providing a place for basketball, roller skating and movies, as well as a place where the Boy Scouts and other social clubs could meet. He led a Community Action Group which installed an outdoor concrete basketball court, erected cemetery signs, and provided first-aid and CPR classes; and

Whereas, Henry Preston Hickman served as Sunday School Superintendent of the Big Union Baptist Church, Dill, WV, for 70 years, also serving as deacon and as a Sunday school teacher; and

Whereas, Henry Preston Hickman died at age 93 after serving the community in many different capacities such as storekeeper, postmaster, and self-trained veterinarian all of which were to the great benefit of his community; and

Whereas, It is fitting that an enduring memorial be established to commemorate Henry Preston Hickman and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 08-011/00-023.08 (08A108), locally known as NEW DILLE BR 23.03, carrying CR 11 over Strange Creek in Clay County, the "Henry Preston Hickman 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 "Henry Preston Hickman 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 and forward a copy to his great granddaughter, Merry Cogar.

Which, under the rules, lies over one day.

Senator Romano offered the following resolution:

**Senate Concurrent Resolution 42**—Requesting the Division of Highways name bridge number 17A282 (17-025/99-000.34), locally known as Camden Street Bridge, over the West Fork River in Harrison County, the "U.S.M.C. SSGT Herbert 'Herbie' D. Barnes Veteran Memorial Bridge".

Whereas, Herbert "Herbie" D. Barnes was born May 15, 1927, to alcoholic parents and raised in extreme poverty in West Virginia. He enlisted in the U.S. Marine Corps at age 19, writing in his journal that the Marine Corps became his family and his home for two decades where he "slept in warm barracks, had three warm

meals a day, had nice clothes, shoes, and a hot shower every day"; and

Whereas, SSGT Herbert "Herbie" D. Barnes left training in Quantico, Virginia, to board the troop ship USS President Adams headed for Trinidad in 1947 when the ship was caught in a typhoon that nearly capsized the vessel, causing him to remember that "I was scared to death that the ship was going to sink"; and

Whereas, SSGT Herbert "Herbie" D. Barnes helped guard the amphibious base in Trinidad where he watched PBY seaplanes land and take off on the water as part of their mission to hunt enemy submarines. He took his next ocean voyage, headed to South Korea, where he fought on the beaches in and around Inchon Harbor. SSGT Herbert "Herbie" D. Barnes and his unit fought their way to Korea's capital of Seoul where they were targeted by snipers during a 10-day battle; and

Whereas, SSGT Herbert "Herbie" D. Barnes and his fellow Marines dug in for an extremely bloody battle with Red Chinese soldiers in temperatures that dropped as low as 35 degrees below zero. They used sandbags and frozen bodies since it was too cold to dig foxholes for which he and his fellow troops were dubbed the "Frozen Chosen"; and

Whereas, SSGT Herbert "Herbie" D. Barnes served as a drill instructor during the Vietnam War, a time he rarely discussed with his family. His son remembers his father somberly describing it as the spookiest place he had ever been. SSGT Herbert "Herbie" D. Barnes retired after 20-years in the U.S. Marine Corps earning a WW II Victory Medal, Good Conduct Medal with three stars, Presidential Unit Citation with one-star, Korean Service Medal with three stars, and National Defense Service Medal with one star; and

Whereas, SSGT Herbert "Herbie" D. Barnes was a member of the VFW, Post 573, and past commander of the Elks and Moose. He died on October 29, 2017, at age 90; and

Whereas, It is fitting that an enduring memorial be established to commemorate SSGT Herbert "Herbie" D. Barnes and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 17A282 (17-025/99-000.34), locally known as Camden Street Bridge, over the West Fork River in Harrison County, the "U.S.M.C. SSGT Herbert 'Herbie' D. Barnes Veteran 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 "U.S.M.C SSGT Herbert 'Herbie' D. Barnes 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 Clements offered the following resolution:

**Senate Resolution 19**—Congratulating the Ritchie County High School Rebels football team for winning the West Virginia 2021 Class A State Football Championship.

Whereas, The Ritchie County High School Rebels football team is to be commended for winning in the history of the school's program, their first ever state championship; and

Whereas, The Ritchie County High School Rebels football team led a near perfect year on the gridiron with a record of 14-1; and

Whereas, On Saturday night, December 4, 2021, at Wheeling Island Stadium their hard work and strong will brought home the school's first state championship with a winning score of 42-21 over Williamstown; and

Whereas, The Ritchie County High School Rebels football team is led by head coach, Rick Haught, and consists of players Cole Waugaman, Conner Shaffer, Seth Hardy, Austin Kuffner, Garrett Cunningham, Brandon Riddle, Jase Wells, Jensen Lucas, Charles Blair, Robert Knudsen, Ayden Sellers, Andrew Dobbins, Ryan Samples, Tristen Ginanni, James Sonju, William Dawson, Bodhi Utter, Morgan Knight, Kolton DePinho, Hayden Bartlett, Gus Morrison, Marlon Moore, Garrett Flesher, Rhett Johnson, Charles Copeland, Haiden Smith, Austin Bartlett, William Bell, Drake Jewell, Bruce Moyer, Domic Worstell, CaDan Campbell, Ethan Haught, and Colton Walton; and

Whereas, The Ritchie County High School Rebels football team displayed their strong will and determination for an entire season and are a shining example of what can be accomplished with hard work, dedication, and spirit; and

Whereas, The 2021 Ritchie County High School Rebels football team will be remembered as one of the greatest football teams in the history of West Virginia sports; therefore, be it

*Resolved by the Senate:*

That the Senate hereby congratulates the Ritchie County High School Rebels football team for winning the West Virginia 2021 Class A Football Championship; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the Ritchie County High School Rebels football team.

Which, under the rules, lies over one day.

Senator Plymale offered the following resolution:

**Senate Resolution 20**—Designating February 8, 2022, as Marshall University Day.

Whereas, Marshall University has been an institution of advanced learning and innovation since its founding in 1837: and

Whereas, The university has been educating students from the great state of West Virginia and across the globe for 185 years; and

Whereas, Marshall's forward-focused academic programs like aviation, cyber forensics and security, and especially agriculture, will offer students the opportunity for in-demand careers; and

Whereas, Marshall's emphasis on research ranks it as a Carnegie R2 research institution, featuring federally funded investigators working collaboratively with professionals and students alike; and

Whereas, Marshall University has begun construction on its state-of-the-art new Center for Business and Innovation positioned to attract interdisciplinary collaboration among students and faculty, advance research and engage the community; and

Whereas, Nearly \$500 million and 3,000 jobs are contributed annually to West Virginia's economy by Marshall University; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 8, 2022, as Marshall University Day; and, be it

*Further Resolved,* That the Senate hereby recognizes Marshall University for its tremendous contributions to the State of West Virginia; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to Mr. Brad D. Smith, President of Marshall University.

Which, under the rules, lies over one day.

Senators Weld, Brown, Maroney, and Clements offered the following resolution:

**Senate Resolution 21**—Congratulating Jeff and Janet Allen for winning the Conservation Farm of the Year Award.



Whereas, The Conservation Farm of the Year competition showcases the best examples of farms owned and operated by people dedicated to conservation; and

Whereas, Cooperating farms in each county are nominated by their local conservation district and go on to compete at the county, district, area, and state levels; and

Whereas, Farms are judged on several topics, such as resource management, conservation plan, best management practices, and involvement in the community, and

Whereas Jeff and Janet Allen, of Moundsville, represents the Northern Panhandle Conservation District, which consists of Hancock, Brooke, Ohio, and Marshall counties, and

Whereas, For their efforts in conservation farming, Jeff and Janet Allen were awarded the 2021 West Virginia Conservation Farm of the Year: therefore, be it

*Resolved by the Senate:*

That the Senate hereby congratulates Jeff and Janet Allen for winning the Conservation Farm of the Year Award; and, be it

*Further Resolved,* That the Senate extends its sincere appreciation and gratitude to Jeff and Janet Allen for their excellence in conservation farming: and be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Jeff and Janet Allen.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 33**, US Army SGT Lewis M. "Mike" Totten Memorial Road.

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

**Senate Concurrent Resolution 34**, USMC SGTMAJ Herman H. Brawner Memorial Bridge.

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

**Senate Concurrent Resolution 35**, Ira "Noon" Copley and Marie Copley Memorial Bridge.

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

**Senate Resolution 18**, Designating February 7, 2022, as Sexual Violence Awareness Day in WV.

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

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

Thereafter, at the request of Senator Baldwin, and by unanimous consent, the remarks by Senators Weld, Woelfel, and Maroney regarding the adoption of Senate Resolution 18 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 7**, Relating to damages for medical monitoring.

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

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 7 pass?"

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Maroney, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker (by proxy), Smith (by proxy), Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—20.

The nays were: Baldwin, Beach, Brown, Caputo, Geffert, Hamilton, Karnes, Lindsay, Martin, Romano, Stollings, Stover, and Woelfel—13.

Absent: Jeffries—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 7) 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 481**, Relating to Adopt-A-Stream Program.

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

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

The nays were: None.

Absent: Jeffries and Weld—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. 481) passed with its title.

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

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 2**, Relating to unemployment benefits program.

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

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

**Com. Sub. for Senate Bill 3**, Requiring work search activities to qualify for unemployment benefits.

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

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

**Com. Sub. for Senate Bill 231**, Relating generally to broadband connectivity.

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

**Com. Sub. for Com. Sub. for Senate Bill 264**, Relating to conservation districts law of WV.

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

**Senate Bill 493**, Requiring county BOE make meetings available to public in-person and through internet.

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

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

**Senate Bill 499**, Authorizing legislative rules for School Building Authority.

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

**Eng. House Bill 2325**, Removing the requirement of continuing education for barbers and cosmetologists.

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

**Eng. Com. Sub. for House Bill 4062**, Removing the residency requirement for the Commissioner of the Division of Highways.

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

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

On page one, section two, line four, after the word "responsibilities;" by inserting the words "shall be a resident of West Virginia;"

The bill (Eng. Com. Sub. for H. B. 4062), as amended, was then ordered to third reading.

**Eng. House Bill 4301**, Reforming membership requirements of Huntington Park and Recreation District Board.

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

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

On page two, section two, line forty, by striking out "1".

The bill (Eng. H. B. 4301), as amended, was then ordered to 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 6**, Establishing common law "veil piercing" claims not be used to impose personal liability.

**Com. Sub. for Senate Bill 242**, Restricting authority to prevent or limit owner's use of natural resources or real property in certain agricultural operations.

**Com. Sub. for Senate Bill 245**, Revising wage payment and collection.

**Com. Sub. for Senate Bill 445**, Modifying police and firemen's pension plans for trustees.

**Com. Sub. for Senate Bill 472**, Relating to access to juvenile records by certain employees of Division of Corrections and Rehabilitation.

And,

**Com. Sub. for Senate Bill 487**, Relating to Revenue Shortfall Reserve Fund and Revenue Shortfall Reserve Fund – Part B.

(Senator Sypolt in the Chair.)

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Blair (Mr. President) and Geffert.

Thereafter, at the request of Senator Trump, and by unanimous consent, the remarks by Senator Blair (Mr. President) were ordered printed in the Appendix to the Journal.

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

Remarks were made by Senators Tarr, Romano, and Baldwin.

At the request of Senator Romano, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of the passing of L. J. "Joe" Trupo, former Harrison County Sheriff and former West Virginia State Trooper.

At the request of Senator Baldwin, and by unanimous consent, the Senate then stood in observance of a moment of silence in recognition of the passing of Jose Antonio Puertas Gomez, father of the Honorable Patricia Puertas Rucker, a senator from the sixteenth district.

At the request of Senator Caputo, unanimous consent being granted, the remarks by Senators Romano and Baldwin 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 removed as co-sponsors of the following bill on February 3, 2022:

**Com. Sub. for Senate Bill 3:** Senators Romano and Jeffries.

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 3, 2022:

**Senate Bill 32:** Senator Hamilton;

**Senate Bill 33:** Senator Hamilton;

**Senate Bill 34:** Senator Hamilton;

**Senate Bill 419:** Senators Stollings and Plymale;

**Senate Bill 487:** Senators Plymale and Jeffries;

**Senate Bill 500:** Senator Lindsay;

**Senate Bill 533:** Senators Hamilton, Jeffries, Martin, and Plymale;

**Senate Bill 546:** Senator Plymale;

**Senate Bill 570:** Senator Hamilton;

**Senate Bill 571:** Senator Stollings;

**Senate Bill 574:** Senator Plymale;

**Senate Bill 575:** Senator Woelfel;

**Senate Bill 576:** Senators Grady, Sypolt, Martin, and Phillips;

**Senate Bill 577:** Senators Stollings, Lindsay, Baldwin, Grady, and Caputo;

**Senate Bill 578:** Senator Grady;

**Senate Concurrent Resolution 33:** Senators Stollings and Phillips;

**Senate Concurrent Resolution 35:** Senators Woelfel, Jeffries, Phillips, and Stollings;

And,

**Senate Resolution 18:** Senators Woelfel, Stollings, Jeffries, Lindsay, Baldwin, and Hamilton.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:27 p.m., the Senate adjourned until tomorrow, Tuesday, February 8, 2022, at 11 a.m.

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## TUESDAY, FEBRUARY 8, 2022

The Senate met at 11:01 a.m.

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

Prayer was offered by Pastor Bo Burgess, Jordan Baptist Church, Gallipolis Ferry, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael J. Romano, a senator from the twelfth district.

Pending the reading of the Journal of Monday, February 7, 2022,

At the request of Senator Jeffries, 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.

At the request of Senator Takubo, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant Brad D. Smith, President of Marshall University, and the Marshall University delegation privileges of the floor for the day.

The Senate proceeded to the third order of business.

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

**Eng. Senate Bill 435**, Awarding service weapon to retiree from Division of Protective Services.

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

**Eng. Com. Sub. for Senate Bill 437**, Providing for early discharge of parolees.

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

**Eng. Com. Sub. for Senate Bill 449**, Relating to Nonviolent Offense Parole Program.

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 4003**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-2-10, relating generally to the ownership and commercial benefit of substances removed from waters of the state by the treatment of mine drainage; restating public policies concerning the maintenance of reasonable standards of purity and quality of the waters of the state consistent with public health and the protection of all forms of life; providing for legislative findings, intent, and purpose, including that treatment of mine drainage reduces environmental harm by reducing toxic substances and pollution in the waters of the state, that such treatment may produce valuable concentrations of materials which may be utilized for commercial gain, and that said materials are part of the water; stating the legislative intent of fulling the state's obligations to maintain reasonable standards of purity and quality of the waters of the state by encouraging investments into the treatment of mine drainage; providing that all chemical compounds, elements, and other potentially toxic materials found within the waters of this state and derived from the treatment of mine drainage which have economic value may be used, sold, or transferred by the Department of Environmental Protection or its designee for commercial gain and benefit; providing that all funds received by said department shall be deposited and used at the discretion of the secretary into already established environmental funds; providing that all chemical compounds, elements, and other potentially toxic materials found within the waters of this state and derived from the

treatment of mine drainage which have economic value may be used, sold, or transferred by any party who successfully removes the same from the waters of this state for commercial gain and benefit; and providing a severability clause.

Referred to the Committee on Energy, Industry, and Mining.

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 4111**—A Bill to amend and reenact §30-3E-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-7-15a of said code, all relating to clarifying prescriptive authority of physicians assistants and registered professional nurses.

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

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. House Bill 4296**—A Bill to repeal §23-1-1c, §23-1-1d, §23-1-1e, §23-1-1g, §23-1-3, §23-1-4a, §23-1-6, §23-1-7, and §23-1-20 of the Code of West Virginia, 1931, as amended; to repeal §23-2-1b, §23-2-4, §23-2-5c, §23-2-5d, §23-2-14, §23-2-15, and §23-2-16 of said code; to repeal §23-2B-1, §23-2B-2, and §23-2B-3 of said code; to repeal §23-2C-3a, §23-2C-4, §23-2C-11, §23-2C-13, §23-2C-14, §23-2C-23, and §23-2C-24 of said code; to repeal §23-2D-1, §23-2D-2, §23-2D-3, §23-2D-4, §23-2D-5, §23-2D-5a, §23-2D-6, §23-2D-7, §23-2D-8, §23-2D-9, and §23-2D-10 of said code; to repeal §23-3-1, §23-3-1a, §23-3-2, §23-3-3, §23-3-4, §23-3-5, and §23-3-6 of said code; to repeal §23-4A-2, §23-4A-3, §23-4A-4, §23-4A-5, §23-4A-6, §23-4A-8, and §23-4A-9 of said code; to repeal §23-4B-6, §23-4B-8, §23-4B-8a, and §23-4B-8b of said code; to repeal §23-4C-1, §23-4C-2, §23-4C-3, §23-4C-4, §23-4C-5, and §23-4C-6 of said code; to amend and reenact §23-1-1, §23-1-1b, §23-1-1f, §23-1-2, §23-1-4, §23-1-5, §23-1-8, §23-

1-9, §23-1-10, §23-1-11, §23-1-12, §23-1-13, §23-1-14, §23-1-15, §23-1-18, and §23-1-19 of said code; to amend said code by adding thereto a new section, designated §23-1-21; to amend and reenact §23-2-1, §23-2-1c, §23-2-1d, §23-2-2, §23-2-3, §23-2-5, §23-2-5a, §23-2-6, §23-2-7, §23-2-8, §23-2-9, §23-2-11, §23-2-13, and §23-2-17 of said code; to amend and reenact §23-2A-1 of said code; to amend and reenact §23-2C-1, §23-2C-2, §23-2C-3, §23-2C-6, §23-2C-7, §23-2C-8, §23-2C-12, §23-2C-15, §23-2C-16, §23-2C-18, §23-2C-19, §23-2C-20, and §23-2C-21 of said code; to amend and reenact §23-4A-1 of said code; and to amend and reenact §23-4B-2, §23-4B-4, §23-4B-5, §23-4B-7, and §23-4B-9 of said code, all relating to modernizing and updating workers' compensation statutes; removing or revising provisions made obsolete by legislation and regulatory revisions in 2005 and 2006; standardizing references to public offices or agencies; updating statutory citations; and making spelling and grammatical changes throughout.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 25**, Updating provisions of Medical Professional Liability Act.

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

**Com. Sub. for Senate Bill 25** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §55-7B-2, §55-7B-4, and §55-7B-6 of the Code of West Virginia, 1931, as amended, all relating to the prerequisites for filing suit against a health care provider under the Medical Professional Liability Act; updating the definitions of "injury" and "medical injury"; clarifying time limitations for bringing a cause of action for medical injury as a result of alleged medical professional liability against a health care

provider; modifying time frame for providing a statement of intent to provide a screening certificate of merit in certain actions under the Medical Professional Liability Act; and updating the tolling of the statute of limitations applicable in certain actions under the Medical Professional Liability Act.

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 438**, Relating generally to WV Security for Public Deposits Act.

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

**Com. Sub. for Senate Bill 438** (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §12-1-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §12-1B-1, §12-1B-2, §12-1B-3, §12-1B-4, §12-1B-5, §12-1B-6, §12-1B-7, §12-1B-8, §12-1B-9, §12-1B-10, §12-1B-11, §12-1B-12, §12-1B-13, and §12-1B-14; all relating generally to the West Virginia Security for Public Deposits Act; requiring rule-making by the State Treasurer and authorizing emergency rules related to securing public deposits; providing a short title; providing legislative findings; specifying the act's applicability; defining terms; establishing the West Virginia Security for Public Deposits Program and requiring the program be operable by a certain date; establishing the Treasurer's Collateral Administration Fund as a special revenue account in the State Treasury and requirements for

said fund; establishing powers and duties of the State Treasurer with regard to the West Virginia Security for Public Deposits Program; requiring rule-making by the State Treasurer and authorizing emergency rules related to the program; authorizing administrative fees, fines, penalties, and service charges; authorizing designated state depositories to secure public deposits pursuant to the act; clarifying that designated state depositories securing public deposits under the act are not required to secure deposits by other methods; establishing the duties of designated state depositories securing deposits pursuant to the act; allowing designated state depositories to secure public deposits through a pooled method; subrogating the State Treasurer to certain claims of a depositor and requiring distribution of assets; requiring that deposits of public funds pursuant to the act be made in designated state depositories; authorizing public depositors to make public deposits; limiting liability of public depositors in certain circumstances; setting forth reporting requirements for designated state depositories; and clarifying that the act controls over inconsistent provisions of state or local law.

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,

Michael T. Azinger,  
*Chair.*

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

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 505**, Updating laws on licensure and regulation of money transmitters.

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

**Com. Sub. for Senate Bill 505** (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §32A-2-1, §32A-2-2, §32A-2-3, §32A-2-4, §32A-2-8, §32A-2-10, §32A-2-11, §32A-2-13, §32A-2-24, and §32A-2-25 of the Code of West Virginia, as amended; and to amend said code by adding two new sections thereto, designated §32A-2-8a and §32A-2-8b, all relating to the licensure and regulation of money transmitters; updating definitions; eliminating outdated provisions; clarifying the financial institution exemption; permitting the Commissioner of Financial Institutions to participate in the multistate licensing and examination process and to conduct examinations; updating net worth requirements to use a sliding scale; providing information requirements for a change in control and updating the change in control process; specifying requirements for individuals in control of a licensee or applicant; requiring permissible investments to match outstanding obligations; and updating the due process procedure to eliminate the two-step process for revocations and suspensions while preserving the order and hearing requirement.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

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

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

**Senate Bill 506**, Authorizing manufacturing investment tax credit and property tax adjustment credit against personal income tax.

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

**Com. Sub. for Senate Bill 506** (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §11-13S-4 and §11-13Y-5 of the Code of West Virginia, 1931, as amended, all relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; defining terms; deleting superannuated language; specifying application of tax credit; specifying effective date; and making stylistic revisions.

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,

Rupie Phillips,  
*Vice Chair.*

The bill (Com. Sub. for S. B. 506), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

**Senate Bill 515**, Supplementing and amending appropriations of public moneys to Department of Administration, Public Defender Services.

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



**Com. Sub. for Senate Bill 515** (originating in the Committee on Finance)—A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2022, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

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

Your Committee on Finance has had under consideration

**Senate Bill 517**, Expiring funds from unappropriated balance in State Excess Lottery Revenue Fund.

And,

**Senate Bill 525**, Expiring funds from unappropriated balance in Lottery Net Profits.

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

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 520**, Increasing financial penalties for ransomware attacks.

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

**Com. Sub. for Senate Bill 520** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-3C-8 of the Code of West Virginia, 1931, as amended, relating to creating the felony offense of disrupting or degrading, causing the disruption or degradation, or threatening the disruption or degradation of computer services of another with the intent to obtain money or any other thing of value; and establishing criminal penalties.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 543**, Creating Unemployment Compensation Insurance Fraud Unit within Workforce WV.

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

**Com. Sub. for Senate Bill 543** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21A-10-23, relating to authorizing the Commissioner of Workforce West Virginia to create an Unemployment Compensation Insurance Fraud Unit; establishing training and experience requirements; specifying duties; granting certain authorities necessary to conduct investigations into alleged

unemployment insurance fraud; authorizing certain personnel to operate a state vehicle and carry a firearm; establishing training requirements for carrying a firearm; and exempting the Unemployment Compensation Fraud Unit from the requirements of the Freedom of Information Act and the Open Government Proceedings Act.

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,

Charles S. Trump IV,  
*Chair.*

The bill (Com. Sub. for S. B. 543), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Natural Resources has had under consideration

**Eng. House Bill 2631**, Provide for WVDNR officers to be able to work "off duty".

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 the Judiciary.

Respectfully submitted,

Bill Hamilton,  
*Chair.*

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

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 Maynard, Phillips, Roberts, and Tarr:**

**Senate Bill 592**—A Bill to amend and reenact §46A-7-111 of the Code of West Virginia, 1931, as amended, relating to consumer credit and protection; clarifying the period for which the Attorney General may seek a civil penalty for violations of the Consumer Credit and Protection Act.

Referred to the Committee on the Judiciary.

**By Senator Plymale:**

**Senate Bill 593**—A Bill to amend and reenact §15-2B-3 of the Code of West Virginia, 1931, as amended, relating to expanding the definition of "criminal justice agency" to include the Forensic Analysis Laboratory at Marshall University for access and participation in the West Virginia DNA database for certain specified purposes.

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

**By Senator Lindsay:**

**Senate Bill 594**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-56, relating to establishing a class of employees within the West Virginia Public Employees Retirement System consisting of 911 staff; and providing for lower retirement age and increased pension payments.

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

**By Senator Trump:**

**Senate Bill 595**—A Bill to amend and reenact §27-6A-13 of the Code of West Virginia, 1931, as amended, relating to the Dangerousness Assessment Review Board; barring the subpoenaing of board members to testify in proceedings about which the board issues advice, guidance, or opinion; requiring in

lieu of testifying that the board provides copies of all documents and materials used in providing its advice, grievance, or opinion upon request of the circuit court; exempting board proceedings from the provisions of §6-9A-1, *et seq.* of this code; and clarifying that the board is not subject to the provisions of §29B-1-1 *et seq.* of this code.

Referred to the Committee on the Judiciary.

**By Senator Nelson:**

**Senate Bill 596**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-80; and to amend said code by adding thereto a new section, designated §11-24-27, all relating to exempting capital gains from personal and corporate taxation.

Referred to the Committee on Finance.

**By Senator Nelson:**

**Senate Bill 597**—A Bill to amend and reenact §24C-1-2 of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission underground facilities damage prevention and one-call system; and clarifying the definition of "excavate" or "excavation".

Referred to the Committee on Economic Development.

Senators Romano and Martin offered the following resolution:

**Senate Concurrent Resolution 43**—Requesting the Division of Highways name bridge number 17-050/00-014.25 (17A195), (39.28950,-80.35136), locally known as ADAMSTON BRIDGE, carrying APD 50 over WEST FORK RIVER in Harrison County, the "Seaman 1st Class Paul McCue Bridge".

Whereas, Paul McCue enlisted in the Navy, at the age of sixteen, so he could serve his country during WWII. After graduating from amphibious assault training which, he explains, helped him fight "more like a Marine than a sailor," Seaman 1st Class Paul McCue was assigned to a Landing Ship Tank (LST). He was on watch near the Philippine Islands preparing for an assault

landing when a torpedo slammed into one of the destroyer escorts, the USS Renshaw, which had sped up to protect McCue's LST, thus sparing the lives of the soldiers on board the LST, but killing 19 men on board the Renshaw, a tragedy which haunted him throughout his life. Seaman 1st Class Paul McCue and the rest of the crew on the USS LST 719 continued fighting throughout the Asiatic-Pacific Theater. They participated in the assault landing on Palawan Island in March of 1945 and on Visayan Island in April and May of 1945 to help capture and consolidate the islands in the Southern Philippines and construct must needed airstrips necessary for victory in the Pacific; and

Whereas, Seaman 1st Class Paul McCue earned seven medals, plus multiple ribbons, and awards, including the Combat Commemoration Medal and a Presidential Citation from the Philippine government. Seaman 1st Class Paul McCue has demonstrated the same bravery and dedication after the war, serving as a constable and deputy sheriff, despite organized crime placing a bounty on his head; and

Whereas, Throughout his public service career, Seaman 1st Class Paul McCue monitored scanners and self-dispatched to help assist other law enforcement with criminal arrests and investigations, and fearlessly helped save the life of injured Philippi Patrolman McCauley on one such occasion; and

Whereas, Seaman 1st Class Paul McCue has received a commendation from U.S. Senator Joe Manchin for his role in WWII, as well as his post-war efforts to educate West Virginia's youth about patriotism and the forgotten role of a heroic group of African American soldiers, who were massacred by Nazi SS officers in Wereth, Belgium; and

Whereas, It is fitting that an enduring memorial be established to commemorate Seaman 1st Class Paul McCue and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 17-050/00-014.25 (17A195), (39.28950, -80.35136), locally known as ADAMSTON BRIDGE, carrying APD 50 over WEST FORK RIVER in Harrison County, the "Seaman 1st Class Paul McCue 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 "Seaman 1st Class Paul McCue 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 and to forward a copy to Seaman 1st Class Paul McCue.

Which, under the rules, lies over one day.

Senator Blair (Mr. President) offered the following resolution:

**Senate Resolution 22**—Commemorating the historic occasion of the 250th anniversary of the founding of Berkeley County, West Virginia.

*Whereas*, On August 5, 1863, the West Virginia Legislature voted to officially admit Berkeley County to the new state after its citizens voted to join The Mountain State earlier that year; and

*Whereas*, By its admission, Berkeley County became West Virginia's second oldest county, having been created on May 15, 1772; and

*Whereas*, Berkeley County's beginnings date to the 1720s with the settlement of Morgan Morgan and it continues to be a destination for new residents and visitors alike; and

*Whereas*, Berkeley County has continued to be a county of proud American pioneers in the decades since while serving as an eastern gateway and economic engine for West Virginia; and

*Whereas*, In recognition of Berkeley's 250th anniversary, citizenry have come together to organize a series of events to

celebrate the many unique chapters of county history, to recognize the many accomplishments of its people and to beautify the county; and

*Whereas*, It is appropriate that the West Virginia Senate join in celebrating the many contributions of Berkeley County to the Mountain State's history in the county's 250th year; therefore, be it

*Resolved by the Senate:*

That the State of West Virginia commemorates the historic occasion of the 250th anniversary of Berkeley County, West Virginia; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the governing body of Berkeley County.

Which, under the rules, lies over one day.

Senator Baldwin offered the following resolution:

**Senate Resolution 23**—Recognizing the Youth Leadership Association Youth in Government, and their program's positive impact on providing leadership to the youth of West Virginia.

Whereas, The Youth Leadership Association, formerly known as HI-Y, has partnered with the State of West Virginia for more than one hundred years; and

Whereas, This partnership engages youth in local Youth Leadership Association civic leadership groups, the teen Entrepreneurship and Leadership Summits, as well as the Governor's Youth Opportunity Camps for low-income children at Camp Horseshoe, Youth Leadership Association Model United Nations, and 8th Grade Youth and Government Seminars at the Capitol; and

Whereas, The student officers of the Youth Leadership Association Youth in Government program represent hundreds of young West Virginians preparing for life-long citizenship and



taking volunteer actions today to build better futures for all across the Mountain State; and

Whereas, The West Virginia Senate would like to congratulate the following participants for their interest in their state and beliefs: Shane Arthur (James Monroe High School), Chaplain of the Senate; Emma Ballard (James Monroe High School), Clerk of the Senate; Lauren Ballard (James Monroe High School), Governor; Kayla Butler (Point Pleasant High School), Secretary of State; Matison Brown (Point Pleasant High School), Clerk of the House; Colton Gibbs, (Point Pleasant High School), Secretary of Treasury; Matthew Goff (James Monroe High School), Chief Justice; Luke Jackson (James Monroe High School), Speaker of the House; Madison McMillion (James Monroe High School), Associate Justice; Jakobey Meadows (James Monroe High School), Chaplain of the House; Cameron Ross (Lewis County), Secretary of Education; Cameron Thomas (James Monroe High School), Secretary of Health; Madison Vass (James Monroe High School), President of the Senate; therefore, be it

*Resolved by the Senate:*

That the West Virginia Senate congratulates the Youth Leadership Association Youth in Government and their program's positive impact on providing leadership to the youth of West Virginia; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the Youth Leadership Association Youth in Government West Virginia program.

Which, under the rules, lies over one day.

Senator Baldwin offered the following resolution:

**Senate Resolution 24**—Recognizing the Greenbrier East High School InvenTeam for its commitment to inventing technological solutions to real world problems.

Whereas, The Lemelson-MIT InvenTeams is a program founded in 1994, that celebrates outstanding inventors and inspires

young people to pursue creative lives through invention while instilling well-rounded life capabilities, including self-confidence, communication, and leadership; and

Whereas, The Greenbrier East High School InvenTeam was one of eight teams chosen nationally by Lemelson-MIT InvenTeams to receive a grant of \$10,000 for their proposed invention; and

Whereas, The Greenbrier East High School InvenTeam is tasked with inventing a Digital Junction Tracker for caves that will also act as a tracking device for rescue teams to find spelunkers, and ultimately save lives; and

Whereas, The Greenbrier East High School InvenTeam is comprised of the following students: Gabe Coleman, Amber Conley, Kendra Culyer, Gabe Dowdy, Ian Hamilton, Delaney Hamrick, Cam Little, Jake McGilvray, Ian Morrison, Nate Smith, Cole Snyder, Sam Totten, Evan Vaughan, Evan Vogelsong, Abby Warfield, Olivia Warfield, and Nevaeh Wooding; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes the Greenbrier East High School InvenTeam for its commitment to inventing technological solutions to real world problems; and, be it

*Further Resolved,* That the Senate commends the Greenbrier East High School InvenTeam for its creativity and innovation in accomplishing this outstanding achievement; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the Greenbrier East High School InvenTeam.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 36,** USMC CPL Harry Edward Dean, Jr., Memorial Bridge.

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

**Senate Concurrent Resolution 37**, Harrison County Veterans Memorial Bridge.

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

**Senate Concurrent Resolution 38**, Cox Brothers' Veteran Memorial Bridge.

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

**Senate Concurrent Resolution 39**, Walker Brothers' Veteran Memorial Bridge.

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

**Senate Concurrent Resolution 40**, Frye Brothers' Memorial Bridge.

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

**Senate Concurrent Resolution 41**, Henry Preston Hickman Memorial Bridge.

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

**Senate Concurrent Resolution 42**, USMC SSGT Herbert "Herbie" D. Barnes Veteran Memorial Bridge.

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

**Senate Resolution 19**, Congratulating Ritchie County High School Rebels football team for winning WV 2021 Class A State Football Championship.

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

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

**Senate Resolution 20**, Designating February 8, 2022, as Marshall University Day.

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

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

Thereafter, at the request of Senator Woelfel, and by unanimous consent, the remarks by Senator Plymale regarding the adoption of Senate Resolution 20 were ordered printed in the Appendix to the Journal.

**Senate Resolution 21**, Congratulating Jeff and Janet Allen for winning Conservation Farm of Year Award.

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

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

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 2**, Relating to unemployment benefits program.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, February 7, 2022, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, and by unanimous consent, further consideration of the bill was deferred until the conclusion of consideration of Engrossed Committee Substitute for Senate Bill 3.

**Eng. Com. Sub. for Senate Bill 3**, Requiring work search activities to qualify for unemployment benefits.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, February 7, 2022, for amendments to be received on third reading, was read a third time.

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

On page three, section one-d, after line thirty-four, by inserting a new subdivision, designated subdivision (4), to read as follows:

(4) Provide individualized and daily support and resources to all individuals required to comply with the provisions of this article for a minimum of twelve weeks but a maximum of the duration of his or her unemployment benefits.

Following discussion,

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

The roll being taken, the yeas were: Baldwin, Beach, Brown, Caputo, Geffert, Jeffries, Lindsay, Plymale, Romano, Stollings, and Woelfel—11.

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

Absent: None.

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

On motion of Senator Stollings, the following amendment to the bill (Eng. Com. Sub. for S. B. 3) was next reported by the Clerk:

On page four, section one-d, lines fifty-seven through sixty, by striking out all of subsection (g) and inserting in lieu thereof a new subsection (g), to read as follows:

(g) Individuals receiving unemployment benefits who accept a referral to or otherwise accept non-suitable employment shall continue to receive his or her full weekly benefit rate without a reduction of his or her unemployment benefits or wages while he or she continues to actively seek work and comply with the provisions of this article.

Following discussion,

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

The roll being taken, the yeas were: Baldwin, Beach, Brown, Caputo, Geffert, Jeffries, Lindsay, Plymale, Romano, Stollings, and Woelfel—11.

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

Absent: None.

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.

Engrossed Committee Substitute for Senate Bill 3 was then put upon its passage.

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 3 pass?"

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

The nays were: Baldwin, Beach, Brown, Caputo, Geffert, Jeffries, Lindsay, Plymale, Romano, Stollings, and Woelfel—11.

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. 3) passed with its title.

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

Action as to Engrossed Committee Substitute for Senate Bill 3 having been concluded, the Senate proceeded to the consideration of

**Eng. Com. Sub. for Senate Bill 2**, Relating to unemployment benefits program.

On third reading, coming up in deferred order, with the right having been granted on yesterday, Monday, February 7, 2022, for amendments to be received on third reading, was read a third time.

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

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

**ARTICLE 2D. UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY ACT.**

**§21A-2D-2. Unemployment insurance program integrity.**

The commissioner shall, on a weekly basis, unless otherwise specified: be required to

~~(a)~~ (1) Check the unemployment insurance rolls against the Division of Corrections and Rehabilitation's list of imprisoned individuals to verify eligibility for unemployment benefits and ensure program integrity;

~~(b)~~ (2) Check new hire records against the National Directory of New Hires to verify eligibility for unemployment benefits; ~~and~~

~~(c)~~ (3) Check the unemployment insurance rolls against a commercially available database that provides cross-matching functions to verify eligibility for unemployment benefits;

(4) On a monthly basis, cross-check the unemployment insurance rolls against state death records; and

(5) Verify the identity of unemployment claimants by methods including, but not limited to, verifying the identity of an applicant prior to awarding benefits and requiring multi-factor authentication as part of online applications.

**§21A-2D-2a. Automatic claim review.**

The commissioner shall perform a full eligibility review of suspicious or potentially improper claims in cases including, but not limited to:

(1) Multiple or duplicative claims filed online originating from the same IP address;



(2) Claims filed online from foreign IP addresses;

(3) Multiple or duplicative claims filed that are associated with the same mailing address; and

(4) Multiple or duplicative claims filed that are associated with the same bank account.

**§21A-2D-3. Data sharing.**

The commissioner ~~shall have the authority to~~ may execute a memorandum of understanding exchange information with any department, agency, or division ~~for information required to be shared between agencies outlined in this article~~ as necessary to carry out the requirements of this article.

Following discussion,

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

The roll being taken, the yeas were: Baldwin, Beach, Brown, Caputo, Jeffries, Lindsay, Plymale, Romano, Stollings, and Woelfel—10.

The nays were: Azinger, Boley, Clements, Geffert, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—24.

Absent: None.

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

Engrossed Committee Substitute for Senate Bill 2 was then put upon its passage.

Pending discussion,

(Senator Weld in the Chair.)

Pending discussion,

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

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 2 pass?"

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—20.

The nays were: Baldwin, Beach, Brown, Caputo, Geffert, Grady, Hamilton, Jeffries, Lindsay, Plymale, Romano, Stollings, Stover, and Woelfel—14.

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. 2) passed with its title.

Senator Takubo moved that the bill take effect January 1, 2023.

On this question, the yeas were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—25.

The nays were: Baldwin, Beach, Brown, Caputo, Geffert, Jeffries, Lindsay, Romano, and Woelfel—9.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 2) takes effect January 1, 2023.

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

Consideration of Engrossed Committee Substitute for Senate Bill 2 having been concluded,

On motion of Senator Takubo, at 1:42 p.m., the Senate recessed.

The Senate reconvened at 2:06 p.m. and resumed consideration of the remainder of its third reading calendar, the next bill coming up in numerical sequence being

**Eng. Com. Sub. for Senate Bill 231**, Relating generally to broadband connectivity.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 231) 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 Com. Sub. for Senate Bill 264**, Relating to conservation districts law of WV.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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 Com. Sub. for S. B. 264) 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 493**, Requiring county BOE make meetings available to public in-person and through internet.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, February 7, 2022, for amendments to be received on third reading, was read a third time.

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

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

## **CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.**

### **ARTICLE 9A. OPEN GOVERNMENTAL PROCEEDINGS.**

#### **§6-9A-2. Definitions.**

As used in this article:

(1) "Decision" means any determination, action, vote or final disposition of a motion, proposal, resolution, order, ordinance or

measure on which a vote of the governing body is required at any meeting at which a quorum is present.

(2) "Emergency meeting" means any meeting called by a governing body for the purpose of addressing an unexpected event which requires immediate attention because it poses:

(A) An imminent threat to public health or safety;

(B) An imminent threat of damage to public or private property; or

(C) An imminent material financial loss or other imminent substantial harm to a public agency, its employees or the members of the public which it serves.

(3) "Executive session" means any meeting or part of a meeting of a governing body which is closed to the public.

(4) "Governing body" means the members of any public agency having the authority to make decisions for or recommendations to a public agency on policy or administration, the membership of a governing body consists of two or more members; for the purposes of this article, a governing body of the Legislature is any standing, select or special committee, except the commission on special investigations, as determined by the rules of the respective houses of the Legislature.

(5) "Meeting" means the convening of a governing body of a public agency for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter which results in an official action. Meetings may be held by telephone conference or other electronic means. The term meeting does not include:

(A) Any meeting for the purpose of making an adjudicatory decision in any quasi-judicial, administrative or Court of Claims proceeding;

(B) Any on-site inspection of any project or program;

(C) Any political party caucus;

(D) General discussions among members of a governing body on issues of interest to the public when held in a planned or unplanned social, educational, training, informal, ceremonial or similar setting, without intent to conduct public business even if a quorum is present and public business is discussed but there is no intention for the discussion to lead to an official action; or

(E) Discussions by members of a governing body on logistical and procedural methods to schedule and regulate a meeting.

(6) "Official action" means action which is taken by virtue of power granted by law, ordinance, policy, rule, or by virtue of the office held.

(7) "Public agency" means any administrative or legislative unit of state, county or municipal government, including any department, division, bureau, office, commission, authority, board, public corporation, section, committee, subcommittee or any other agency or subunit of the foregoing, authorized by law to exercise some portion of executive or legislative power. The term "public agency" does not include courts created by article eight of the West Virginia Constitution or the system of family law masters created by article four [ §§ 48A-4-1 et seq., repealed], chapter forty-eight-a of this code. The term "public agency" does include public charter school as that term is defined by section two, article five-g, chapter eighteen of this code as well as all private, parochial, or church schools which accept any amount of public funding.

(8) "Quorum" means the gathering of a simple majority of the constituent membership of a governing body, unless applicable law provides for varying the required ratio.

(9) "Regular meeting" means a meeting of a governing body at which the regular business of the public is conducted.

(10) "Special meeting" means a meeting of a governing body other than a regular meeting or an emergency meeting.

**CHAPTER 18. EDUCATION.****ARTICLE 5. COUNTY BOARD OF EDUCATION.****§18-5-4. Meetings; employment and assignment of teachers; budget hearing; compensation of members; affiliation with state and national associations.**

(a) The county board shall meet upon the dates provided by law, and at any other times the county board fixes upon its records. Subject to adequate public notice, nothing in this section prohibits the county board from conducting regular meetings in facilities within the county other than the county board office. At any meeting as authorized in this section and in compliance with the provisions of chapter 18A of this code, the county board may employ qualified teachers, or those who will qualify by the time they enter upon their duties, necessary to fill existing or anticipated vacancies for the current or next ensuing school year. Meetings of the county board shall be held in compliance with the provisions of chapter 18A of this code for purposes relating to the assignment, transfer, termination, and dismissal of teachers and other school employees.

(b) In addition to any requirements imposed by §6-9A-1 et seq. of this code relating to open governmental proceedings, each county board shall ensure that all of its meetings are open to the public through in-person attendance and that the audio and video of its meetings are broadcast live to the public through an internet link on its website. In addition to being available live, each county board also shall ensure that the audio and video is recorded and that the recording is also available through a link on its website. This subsection does not apply to the holding of an executive session pursuant to §6-9A-4 of this code. Each county board may make and enforce reasonable rules for attendance and presentation at any meeting where there is not room enough for all members of the public who wish to attend, subject to the following:

(1) The county board shall adopt procedures related to delegations and speakers at meetings to ensure delegations and speakers are treated equally; and

(2) For any person expressing an interest in speaking at the meeting, the county board shall ensure that the person has the opportunity to speak in compliance with the adopted procedures.

~~(b)~~ (c) Special meetings may be called by the president or any three members, but no business may be transacted other than that designated in the call.

~~(e)~~ (d) In addition, a public hearing shall be held concerning the preliminary operating budget for the next fiscal year not fewer than 10 days after the budget has been made available to the public for inspection and within a reasonable time prior to the submission of the budget to the state board for approval. Reasonable time shall be granted at the hearing to any person who wishes to speak regarding any part of the budget. Notice of the hearing shall be published as a Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code.

~~(d)~~ (e) A majority of the members of the county board is the quorum necessary for the transaction of official business.

~~(e)~~ (f) Board members may receive compensation at a rate not to exceed \$160 per meeting attended, but they may not receive pay for more than 50 meetings in any one fiscal year. Board members who serve on an administrative council of a multi-county vocational center also may receive compensation for attending up to 12 meetings of the council at the same rate as for meetings of the county board. Meetings of the council are not counted as board meetings for purposes of determining the limit on compensable board meetings.

~~(f)~~ (g) Members also shall be paid, upon the presentation of an itemized sworn statement, for all necessary traveling expenses, including all authorized meetings, incurred on official business, at the order of the county board.

~~(g)~~ (h) When, by a majority vote of its members, a county board considers it a matter of public interest, the county board may join the West Virginia School Board Association and the National School Board Association and may pay the dues prescribed by the



associations and approved by action of the respective county boards. Membership dues and actual traveling expenses incurred by board members for attending meetings of the West Virginia School Board Association may be paid by their respective county boards out of funds available to meet actual expenses of the members, but no allowance may be made except upon sworn itemized statements.

Senator Rucker arose to a point of order that Senator Baldwin's amendment was not germane to the bill.

Which point of order, the President ruled well taken.

Engrossed Senate Bill 493 was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 493) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2022.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 493) takes effect July 1, 2022.

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

**Eng. Senate Bill 499**, Authorizing legislative rules for School Building 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, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 499) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 499) takes effect from passage.

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

**Eng. House Bill 2325**, Removing the requirement of continuing education for barbers and cosmetologists.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 2325) passed with its title.

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

**Eng. Com. Sub. for House Bill 4062**, Removing the residency requirement for the Commissioner of the Division of Highways.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith,

Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4062) passed.

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

**Eng. Com. Sub. for House Bill 4062**—A Bill to amend and reenact §17-2A-2 of the Code of West Virginia, 1931, as amended, relating to modifying the residency requirement for the Commissioner of the Division of Highways.

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

**Eng. House Bill 4301**, Reforming membership requirements of Huntington Park and Recreation District Board.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 4301) passed.

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

**Eng. House Bill 4301**—A Bill to amend and reenact section two, chapter 26, Acts of the Legislature, regular session, 1924 (municipal charters), as last amended by chapter 100, Acts of the Legislature, regular session 2003, relating to election of commissioners to Greater Huntington Park and Recreation District Board; providing for nonpartisan elections; modifying composition of board; modifying timing of elections; providing for number and composition of commissioners to be elected at primary election in 2022; providing for number and composition of commissioners to be elected at primary election in 2024; and providing for number and composition of commissioners to be elected at primary election in 2026.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4301) takes effect from passage.

*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 6**, Establishing common law "veil piercing" claims not be used to impose personal liability.

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.

**Com. Sub. for Senate Bill 242**, Restricting authority to prevent or limit owner's use of natural resources or real property in certain agricultural operations.

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 245**, Revising wage payment and collection.

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 445**, Modifying police and firemen's pension plans for trustees.

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 472**, Relating to access to juvenile records by certain employees of Division of Corrections and Rehabilitation.

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 487**, Relating to Revenue Shortfall Reserve Fund and Revenue Shortfall Reserve Fund – Part B.

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 312**, Alcohol Beverage Control Commission rule relating to private club licensing.

**Com. Sub. for Senate Bill 419**, Establishing pilot project to evaluate impact of certain post-substance use disorder residential treatments.

**Com. Sub. for Senate Bill 533**, Relating to funding for health sciences and medical schools in state.

**Senate Bill 540**, Allowing municipal fire departments provide retirees with service weapon in certain circumstances.

**Senate Bill 546**, Expanding uses of fees paid by students at higher education institutions.

**Com. Sub. for Senate Bill 550**, Relating to funding for higher education institutions.

**Senate Bill 576**, Relating to unemployment insurance and COVID-19 vaccination requirement.

**Eng. Com. Sub. for House Bill 3220**, Restrictions on Taxpayer funded lobbying.

**Eng. Com. Sub. for House Bill 4074**, Require schools provide eating disorder and self-harm training for teacher and students.

And,

**Eng. Com. Sub. for House Bill 4276**, WVU to create a Parkinson's disease registry.

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

The Senate then 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 7, 2022:

**Senate Bill 25:** Senator Maroney;

**Senate Bill 28:** Senator Maroney;

**Senate Bill 34:** Senator Maroney;

**Senate Bill 39:** Senator Maroney;

**Senate Bill 46:** Senator Maroney;

**Senate Bill 48:** Senator Maroney;

**Com. Sub. for Senate Bill 51:** Senator Maroney;

**Senate Bill 70:** Senator Brown;

**Senate Bill 76:** Senator Maroney;

**Senate Bill 83:** Senator Brown;

**Com. Sub. for Senate Bill 86:** Senators Baldwin and Woodrum;

**Senate Bill 92:** Senator Maroney;

**Senate Bill 106:** Senator Brown;

**Senate Bill 120:** Senator Maroney;

**Senate Bill 122:** Senator Maroney;

**Senate Bill 133:** Senator Maroney;

**Senate Bill 134:** Senator Maroney;

**Senate Bill 139:** Senator Maroney;

**Senate Bill 140:** Senator Maroney;

**Senate Bill 143:** Senator Maroney;



- Senate Bill 145:** Senator Maroney;
- Com. Sub. for Senate Bill 219:** Senator Maroney;
- Senate Bill 252:** Senator Woodrum;
- Senate Bill 260:** Senator Baldwin;
- Senate Bill 265:** Senator Maroney;
- Senate Bill 418:** Senator Maroney;
- Senate Bill 420:** Senator Maroney;
- Senate Bill 422:** Senators Baldwin and Woodrum;
- Senate Bill 432:** Senators Brown and Maroney;
- Senate Bill 459:** Senators Baldwin and Woodrum;
- Com. Sub. for Senate Bill 470:** Senator Phillips;
- Senate Bill 505:** Senator Nelson;
- Senate Bill 533:** Senator Nelson;
- Senate Bill 546:** Senator Nelson;
- Senate Bill 569:** Senators Baldwin and Woodrum;
- Senate Bill 570:** Senator Swope;
- Senate Bill 576:** Senator Woodrum;
- Senate Bill 579:** Senator Woodrum;
- Senate Bill 584:** Senators Lindsay, Baldwin, and Stollings;
- Senate Bill 585:** Senator Stollings;
- Senate Bill 588:** Senators Lindsay, Baldwin, and Stollings;
- Senate Bill 590:** Senators Lindsay and Beach;

**Senate Concurrent Resolution 36:** Senators Jeffries and Caputo;

**Senate Concurrent Resolution 37:** Senators Jeffries and Caputo;

**Senate Concurrent Resolution 38:** Senators Jeffries and Caputo;

**Senate Concurrent Resolution 39:** Senators Jeffries and Caputo;

**Senate Concurrent Resolution 40:** Senators Jeffries and Caputo;

**Senate Concurrent Resolution 41:** Senators Jeffries and Caputo;

**Senate Concurrent Resolution 42:** Senators Jeffries and Caputo;

**Senate Resolution 19:** Senators Jeffries, Lindsay, Stollings, and Maroney;

**Senate Resolution 20:** Senators Romano, Jeffries, Baldwin, Lindsay, Stollings, Woelfel, and Maroney;

And,

**Senate Resolution 21:** Senators Lindsay, Romano, Jeffries, Baldwin, and Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 2:30 p.m., the Senate adjourned until tomorrow, Wednesday, February 9, 2022, at 11 a.m.

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## WEDNESDAY, FEBRUARY 9, 2022

The Senate met at 11:02 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 Mike Caputo, a senator from the thirteenth district.

Pending the reading of the Journal of Tuesday, February 8, 2022,

At the request of Senator Lindsay, 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.

At the request of Senator Takubo, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant Debbie Roberts and Rhonda Thomas, wife and daughter, respectively, of the Honorable Rollan A. Roberts, a senator from the ninth district, privileges of the floor for the day.

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 4084**—A Bill to amend and reenact §22-15-2 of the Code of West Virginia, 1931, as amended, relating to advanced recycling of solid waste under the Solid Waste Management Act; adding definitions of advanced recycling, advanced recycling facility, catalytic cracking, depolymerization,

gasification, hydrogenation, post-use polymer, pyrolysis, recovered feedstock, and solvolysis; amending the definition of solid waste to except out post-use polymers and recovered feedstocks which are converted or held for conversion at an advanced recycling facility; amending the definition of solid waste facility to except out advanced recycling facilities; and facilitating the conversion and use of plastics and other recovered materials through advanced recycling processes.

Referred to the Committee on Economic Development.

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

**Eng. Com. Sub. for House Bill 4369**—A Bill to amend and reenact §30-21A-3 of the Code of West Virginia, 1931, as amended, relating to updating the telepsychology compact.

Referred to the Committee on Health and Human Resources.

### **Executive Communications**

The Clerk then presented the following communications from His Excellency, the Governor, regarding bills approved by him:



*Jim Justice*  
*Governor of West Virginia*

February 8, 2022

The Honorable Lee Cassis, Clerk  
West Virginia Senate  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Senate Bill No. Four (4), which was presented to me on February 2, 2022.

You will note that I have approved this bill on February 8, 2022.

While I have approved this bill, I think it is important to note that any development or placement of nuclear technologies in this State must be done thoughtfully and, above all, safely. I call upon our Legislature to continue to research and monitor nuclear initiatives around the Nation to ensure appropriate regulatory or safety measures are in place as new technologies are developed and implemented. The bill I have signed today is a positive step in modernizing our State's regulatory environment, but we must work to ensure only positive outcomes from this legislation by continually evaluating any concerns and implementing best practices in any regulation that may be required.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice  
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk



*Jim Justice*  
Governor of West Virginia

February 9, 2022

The Honorable Lee Cassis, Clerk  
West Virginia Senate  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Senate Bill No. Two Hundred Forty-Four (244), which was presented to me on February 3, 2022.

You will note that I have approved this bill on February 9, 2022.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice  
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 476**, Relating to imposition of minimum severance tax on coal.

**Senate Bill 478**, Relating to Neighborhood Investment Program.

**Senate Bill 526**, Supplementing and amending appropriations to Department of Commerce, Office of Secretary.

And,

**Senate Bill 527**, Supplementing and amending appropriations to Department of Administration, Office of Technology.

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

Respectfully submitted,

Eric J. Tarr,  
*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 508**, Requiring certain attire for deer hunters with muzzleloaders.

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

**Com. Sub. for Senate Bill 508** (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-60 of

the Code of West Virginia, 1931, as amended, relating to requiring daylight fluorescent orange attire for deer hunters hunting with a muzzleloader; creating misdemeanor offense for violation; and penalty.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Bill Hamilton,  
*Chair.*

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

Your Committee on Education has had under consideration

**Senate Bill 509**, Relating to county BOE employee personal leave.

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

**Com. Sub. for Senate Bill 509** (originating in the Committee on Education)—A Bill to amend and reenact §18A-4-10 of the Code of West Virginia, 1931, as amended, relating to providing that county board of education employee personal leave be accrued as earned throughout the employment term at the end of each pay period or on the last workday for separating employees; allowing a county superintendent to advance an employee a limited amount of personal leave during the employee's first year of employment in certain instances; and removing unnecessary language.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*



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

Your Committee on Finance has had under consideration

**Senate Bill 528**, Supplementing and amending appropriations to DHHR, Consolidated Medical Services Fund.

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

**Com. Sub. for Senate Bill 528** (originating in the Committee on Finance)—A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

**Senate Bill 537**, Providing additional firefighters and security guards for National Guard.

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

**Com. Sub. for Senate Bill 537** (originating in the Committee on Government Organization)—A Bill to amend and reenact §15-1B-26 of the Code of West Virginia, 1931, as amended, relating to providing for additional firefighters and security guards for the West Virginia National Guard.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

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

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 560**, Defining Class 2 e-bikes.

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

**Com. Sub. for Senate Bill 560** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17C-1-70 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-11-8 of said code, all relating to electric bicycles; defining terms; authorizing and regulating the use of electric bicycles; and setting forth requirements for electric bicycles.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

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

Your Committee on Education has had under consideration

**Senate Bill 593**, Allowing Marshall University's Forensic Analysis Laboratory access and participation in WV DNA database for certain purposes.

And reports the same back without recommendation as to passage; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

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

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

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 28**, US Army PVT Garland Lee Loudermilk Memorial Bridge.

And reports back a committee substitute for same as follows:

**Com. Sub. for Senate Concurrent Resolution 28** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name an interstate bridge bearing the bridge numbers 13-064/00-159.39 (EB and WB) (13A1442, 13A145), (37.88992, -80.57907), locally known as Williamsburg Road Bridge, carrying I-64 (NB and SB) over County Route 9 in Greenbrier County, as the "U.S. Army PVT Garland Lee Loudermilk Memorial Bridge".

Whereas, Garland Lee Loudermilk was born on July 16, 1923, in Clintonville, West Virginia, to Johnny and Bertha Loudermilk; and

Whereas, Garland Lee Loudermilk enlisted on January 21, 1944, and was a member of the United States Army's 89th Cavalry Recon Squadron, 9th Armored Division at the Rhine River in Germany during World War II; and

Whereas, PVT Garland Lee Loudermilk was married to Letha M. Loudermilk; and

Whereas, Sadly, PVT Garland Lee Loudermilk was killed in action on March 8, 1945, during the Battle of the Bulge, fighting to protect the country he loved; and

Whereas, PVT Garland Lee Loudermilk is buried at the Henri-Chapelle American Cemetery in Henri Chapelle, Belgium, at Plot E, Row 10, Grave 23; and

Whereas, PVT Garland Lee Loudermilk was awarded a Purple Heart, European-African-Middle Eastern Campaign Medal, World War II Victory Medal, and the Honorable Service Lapel Button for his sacrifice and actions during his deployment in World War II; and

Whereas, It is fitting that an enduring memorial be established to commemorate PVT Garland Lee Loudermilk and his sacrifice to our state and county; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways name an interstate bridge bearing the bridge number 13-064/00-159.39 (EB and WB) (13A1442, 13A145), (37.88992, -80.57907), locally known as Williamsburg Road Bridge, carrying I-64 (NB and SB) over County Route 9 in Greenbrier County, as the "U.S. Army PVT Garland Lee Loudermilk 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 "U.S. Army PVT Garland Lee Loudermilk 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, as well as to the Loudermilk family.

And,

**Senate Concurrent Resolution 29**, Nitro WW I Memorial Bridge.

And reports back a committee substitute for same as follows:

**Com. Sub. for Senate Concurrent Resolution 29** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name, upon construction of the new bridges that will replace the Donald M. Legg Memorial Bridge, carrying I-64 over the Kanawha River, locally known as the Nitro-St. Albans Bridge in Kanawha County, the new westbound lanes/bridge, the "Nitro WW I Memorial Bridge", while retaining the "Donald M. Legg Memorial Bridge" name for the eastbound lanes/bridge at that location.

Whereas, On August 29, 1916, the United States Congress authorized the building of the Naval Ordnance Plant between U.S. 60 and the railroad in South Charleston, West Virginia. The plant took two years to build, spanned 900,000 square feet, and began operating in May of 1918. According to Secretary of the Navy Josephus Daniels, this naval base was the first in U.S. history to be placed away from seawaters. The U.S. Navy was drawn to the location by West Virginia's Natural Resources, as well as its "moral environment and splendid citizenship". The plant manufactured military equipment such as armor plates, gun forgings, and projectiles for battleships and cruisers which were used by the U.S. Navy in World War I; and

Whereas, Nitro was a World War I boom town believed to be named after nitrocellulose, which was used to manufacture smokeless gunpowder and other explosive devices. The plant was one of three selected by the U.S. government under the Deficiency

Appropriations Act to relieve a severe shortage of gunpowder. Nitro's location, 14 miles from Charleston, was chosen because it was secure from coastal attacks and climatic conditions while having access to railroads, waterways, and raw materials. The ordnance plant complex was known as Explosive Plant C. It was built in just 11 months and thousands of workers, supplies, and materials arrived practically overnight; and

Whereas, During the 11 months that the Explosive Plant C was in operation, the town was 90 percent complete and housed 23,951 people associated with the plant. There was a high turnover of people coming and going from the plant, with workers from each state and representing 41 different nationalities. Some who arrived for work in 1918 suffered from Spanish influenza, and army barracks and other buildings had to be converted into hospitals to care for the sick; and

Whereas, By the end of the war on November 11, 1918, Explosive Plant C had produced 350 tons of smokeless gun powder per day. On Armistice Day, Nitro celebrated with a parade of cars, military tanks, and a band. Within two weeks after the Armistice, 12,000 people left Nitro and there were not enough workers to sustain plant production. The director of the plant turned its operation over to the Ordnance Department on January 15, 1919, and the plant was declared surplus as the U.S. government prepared to liquidate the property. Workers were laid off in October of 1919 and, a month later, the facilities were sold at auction to the Charleston Industrial Corporation; and

Whereas, In November of 1919, a state charter was granted to the Charleston Industrial Corporation, which was organized for the specific purpose of purchasing and redeveloping the surplus government property at Nitro. The Charleston Industrial Corporation launched a sales promotion campaign to attract new industries and businesses to the area, focusing on manufacturing and chemical industries. By 1921, the future of Nitro was beginning to take shape with many wartime holdovers calling it home and relying on their friends and neighbors for fellowship, common interests, and help in time of need. This early community spirit remains strong; and

Whereas, Remnants of Nitro's gunpowder production history can be seen throughout the town and many special events associated with both World War I and World War II are held each year. The town proudly celebrates its wartime history and being known as a "living memorial to World War I"; and

Whereas, It is fitting that an enduring memorial be established to commemorate Nitro's rich past, significance, and contributions to our state and country during World War I, while retaining the "Donald M. Legg Memorial Bridge" name for the eastbound lanes/bridge at that location; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the new westbound lanes/bridge, upon construction of the new bridges that will replace the Donald M. Legg Memorial Bridge, carrying I-64 over the Kanawha River, locally known as the Nitro-St. Albans Bridge in Kanawha County, the "Nitro WW I Memorial Bridge", while retaining the "Donald M. Legg Memorial Bridge" name for the eastbound lanes/bridge at that location; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the westbound lanes/bridge as the "Nitro WW I 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.

With the recommendation that the two committee substitutes be adopted.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

**Eng. House Bill 4024**, Creating a cosmetology apprentice program that allows companies to train employees for practical real-world experience.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

The Senate proceeded to the sixth order of business.

Senator Takubo requested unanimous consent that Senate Bill 598 through Senate Bill 607 be considered introduced, read by their titles, and referred to the appropriate committees.

Which consent was not granted, Senator Beach objecting.

Thereafter, on motion of Senator Takubo, 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 598**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9A-5-1, §9A-5-2, and §9A-5-3, all relating to specifically authorizing programs to assist at-risk veterans through partnerships with service organizations engaged with their local veteran communities to connect veterans and their families with existing resources to combat suicide, and its contributing factors, among the veteran population in this state; providing legislative fundings and purpose; authorizing programs to assist at-risk veterans through partnerships with service organizations to combat suicide and its contributing factors among the veteran population; and providing for funding



and grant-making from the Department of Veterans' Assistance to partner service organizations and for the purposes of this article.

Referred to the Committee on Military.

**By Senator Maynard:**

**Senate Bill 599**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-3E-1, §16-3E-2, §16-3E-3, §16-3E-4, §16-3E-5, and §16-3E-6, all relating to informed consent for vaccinations; providing a short title; defining terms; prohibiting discrimination against patients for declining or delaying vaccines; establishing prohibited activities; creating rights for patients; and establishing monetary penalties and revocation of licensure for violations.

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

**By Senator Maynard:**

**Senate Bill 600**—A Bill to amend and reenact §19-25-2, §19-25-3, §19-25-4, §19-25-5, and §19-25-6 of the Code of West Virginia, 1931, as amended, all relating generally to limiting landowner liability for injuries to, or caused by, persons entering or going upon land for noncommercial recreational purposes, wildlife propagation purposes, military training purposes, law-enforcement training purposes, or homeland defense training purposes; clarifying that limitation on liability and duty to warn applies only to landowner permitting the general public to enter or go upon such land for recreational or wildlife propagation purposes; providing that a landowner is not liable for, and has no duty to warn of, dangerous or hazardous wild animals on the land; deleting obsolete language providing that a landowner does not confer invitee or licensee status on persons invited or permitted upon land; substituting the term "fee" for the term "charge"; defining the term "fee"; providing that for the purposes of limiting landowner liability, a fee does not include a fee for an annual event or occurrence, if the total of such fees in a year does not exceed \$25 per individual; providing that for the purposes of limiting landowner liability, a fee does not include voluntary donations to

certain charitable entities; amending the term "land" to include premises; amending the definition of the term "owner of land" to specifically include any person holding legal possession, ownership, or partial ownership of an interest in land or a person sponsoring land or premises for volunteer improvement or maintenance purposes; amending the definition of the term "recreational purposes" to specifically include parking on or traversing land to engage in recreational activities and maintaining, or making improvements to, land for the purpose of making recreational activities accessible; naming the activities of rock climbing, bouldering, and kayaking as being activities within the definition of "recreational purposes"; and making numerous technical corrections.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 601**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, §16-2Q-2, §16-2Q-3, §16-2Q-4, §16-2Q-5, §16-2Q-6, §16-2Q-7, and §16-2Q-8, all relating to enacting the West Virginia Human Life Protection Act; making abortion and attempted abortion felony offenses except in cases where abortion is necessary in order to prevent a serious health risk to the unborn child's mother; providing that a woman who receives an abortion will not be held criminally culpable or civilly liable for receiving the abortion; making legislative findings; and defining terms.

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

**By Senator Maynard:**

**Senate Bill 602**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-20-1 and §55-20-2, all relating to denying a nuisance action for damages against a sports or exposition venue operation; and providing exceptions.

Referred to the Committee on the Judiciary.

**By Senator Takubo:**

**Senate Bill 603**—A Bill to amend and reenact §30-3-10 of the Code of West Virginia, 1931, as amended, relating to prohibiting licensure or renewal of licensure when the applicant or licensee has certain unresolved disciplinary proceedings pending in another jurisdiction.

Referred to the Committee on Health and Human Resources.

**By Senators Phillips, Azinger, Boley, Clements, Grady, Karnes, Maynard, Roberts, Stover, Sypolt, Tarr, and Woodrum:**

**Senate Bill 604**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §56-4-72, relating to providing compensation to victims of abusive lawsuits; and providing that a party in a civil action is entitled to recover attorney's fees and costs after a court dismisses a claim as lacking any basis in law or fact.

Referred to the Committee on the Judiciary.

**By Senators Phillips, Azinger, Grady, Karnes, Martin, Maynard, Roberts, Stover, Sypolt, and Woodrum:**

**Senate Bill 605**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-5-37, relating to permitting pharmacists to dispense ivermectin by means of a standing order; creating definitions; providing for guidelines, clarifying the role of the West Virginia Board of Medicine; and providing for an effective date.

Referred to the Committee on Health and Human Resources.

**By Senators Weld, Woelfel, Takubo, and Stollings:**

**Senate Bill 606**—A Bill to amend and reenact §30-3-14 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Medical Practice Act; the duty of providers licensed or authorized by the board to report misconduct; civil immunity for making good-faith reports; modifying grounds for professional discipline and license denial; and providing rule-making authority.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 607**—A Bill to amend and reenact §5-16-8 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Public Employees Insurance Act; conditions of insurance program; and requiring that provider reimbursement schedules shall be no lower than the reimbursement provided for the same services under Medicare.

Referred to the Committee on Finance.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 43**, US Navy S1 Paul McCue Bridge.

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

**Senate Resolution 22**, Commemorating 250th anniversary of Berkeley County.

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

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

**Senate Resolution 23**, Recognizing Youth Leadership Association Youth in Government.

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

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

**Senate Resolution 24**, Recognizing Greenbrier East High School InvenTeam.

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

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

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

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 24) adopted.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 242**, Restricting authority to prevent or limit owner's use of natural resources or real property in certain agricultural operations.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith,

Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 242) 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 245**, Revising wage payment and collection.

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 245 pass?"

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

The nays were: Baldwin, Beach, Caputo, Geffert, Lindsay, and Stollings—6.

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. 245) 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 445**, Modifying police and firemen's pension plans for trustees.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 445) 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 472**, Relating to access to juvenile records by certain employees of Division of Corrections and Rehabilitation.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 472) 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 487**, Relating to Revenue Shortfall Reserve Fund and Revenue Shortfall Reserve Fund – Part B.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 487) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.



So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 487) takes effect from passage.

*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 6**, Establishing common law "veil piercing" claims not be used to impose personal liability.

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

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

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

**ARTICLE 3. RELATIONS OF MEMBERS AND MANAGERS TO PERSONS DEALING WITH LIMITED LIABILITY COMPANY.**

**§31B-3-303. Liability of members and managers.**

(a) Except as otherwise provided in subsection (c) of this section, the debts, obligations, and liabilities of a limited liability company, whether arising in contract, tort, or otherwise, are solely the debts, obligations, and liabilities of the company. A member or manager is not personally liable for a debt, obligation, or liability of the company solely by reason of being or acting as a member or manager. It is the intent and policy of the Legislature to modify the applicability of the "corporate veil piercing" analysis adopted in *Joseph Kubican v. The Tavern, LLC*, 232 W.Va. 268, 752 S.E.2d 299 (2013) with respect to any claim against a limited liability company arising after the effective date of the reenactment of this section during the regular session of the Legislature, 2022.

(b) The failure of a limited liability company to observe the usual company formalities or requirements relating to the exercise of its company powers or management of its business is not a ground for imposing personal liability on the members or managers for liabilities of the company.

(c) All or specified members of a limited liability company are liable in their capacity as members for all or specified debts, obligations, or liabilities of the company if:

~~(1) A provision to that effect is contained in the articles of organization; and~~

~~(2) A member so liable has consented in writing to the adoption of the provision or to be bound by the provision~~

(1) A provision to that effect is contained in the articles of organization, and a member so liable has consented in writing to the adoption of the provision or to be bound by the provision;

(2) The member against whom liability is asserted has personally guaranteed the liability or obligation of the limited liability company in writing;

(3) There is any tax liability of the limited liability company, which the law of the state or of the United States imposes liability upon the member;

(4) The member commits actual or constructive fraud which causes injury to an individual or entity; or

(5) There is any fine, fee, or penalty assessed to the limited liability company pursuant to local, state, or federal law.

(d) The "corporate veil piercing" analysis adopted in *Joseph Kubican v. The Tavern, LLC*, 232 W.Va. 268, 752 S.E.2d 299 (2013) shall apply to a claim asserted against a limited liability company for the purpose of determining personal liability of all or specified members or managers only if (1) the company is not adequately capitalized for the reasonable risks of the corporate undertaking and (2) the company does not carry liability insurance

coverage for the primary risks of the business, with minimum limits of \$50,000 per person and \$100,000 per occurrence, or such higher amount as may be specifically required by law.

(e) *Enterprise liability.* — In circumstances where the members of a limited liability company are, in whole or in part, corporations, limited liability companies, or other entities which are not human beings, then, if a jury shall determine that the liability of a limited liability company sounding in tort arose as part of the activities of a joint enterprise, those entities which are part of the joint enterprise with the limited liability company may be liable for the liability of the limited liability company which arose as part of the business operations of the joint enterprise, not as a "piercing of the veil", but instead under the doctrine of joint enterprise liability.

(f) *Member as tortfeasor.* — Nothing in this section may immunize or shield a member of a limited liability company, solely because he or she is a member of a limited liability company, from liability for his or her own tortious conduct that proximately causes injury to another party while the member is acting on behalf of the limited liability company. In such circumstance, the liability of a member is not through "veil piercing", but rather primary, as against any tortfeasor.

(g) *Clawback authority.* — If a member is proved to have committed any of the following acts, then a creditor of the limited liability company whose judgment the limited liability company cannot satisfy may seek clawback from the member under this subsection: *Provided,* That the limited liability company's judgment creditor may proceed in the shoes of the limited liability company to clawback funds from the member in order to reimburse the limited liability company for either the amount of the judgment against the limited liability company or the amount transferred from the limited liability company to the member in bad faith, whichever is less. The wrongful acts which will justify clawback, but not "veil piercing", are:

(1) *Conflicted exchange;*

(2) Insolvency distribution; or

(3) Siphoning of funds.

(h) Definitions. — As used in this section:

(1) "Conflicted exchange" means a transfer of money or other property from a limited liability company to a member of the limited liability company, or to any other organization in which the member has a material financial interest, in exchange for services, goods, or other tangible or intangible property of less than reasonable equivalent value.

(2) "Insolvency distribution" means a transfer of money or other property from a limited liability company to a member of that limited liability company, or to any other organization in which the member has a material financial interest, in respect of the member's ownership interest, that renders the limited liability company insolvent.

(3) "Insolvent" means, with respect to a limited liability company, that the limited liability company is unable to pay its debts in the ordinary course of business. Claims that are unusual in nature or amount, including tort claims in claims for consequential damages, are not to be considered claims in the ordinary course of business for the purposes of this section.

(4) "Siphoning of funds" means whether the manager or majority member has siphoned funds from the limited liability company in violation of the articles of organization, the operating agreement, or this article.

Following discussion,

The question being on the adoption of the amendment offered by Senators Romano and Trump to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 6), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 312**, Authorization for Department of Revenue to promulgate legislative rules.

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 419**, Establishing pilot project to evaluate impact of certain post-substance use disorder residential treatments.

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 533**, Relating to funding for health sciences and medical schools in state.

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

**Senate Bill 540**, Allowing municipal fire departments provide retirees with service weapon in certain circumstances.

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

**Senate Bill 546**, Expanding uses of fees paid by students at higher education institutions.

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 550**, Relating to funding for higher education institutions.

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

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

**Senate Bill 576**, Relating to unemployment insurance and COVID-19 vaccination requirement.

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

**Eng. Com. Sub. for House Bill 3220**, Restrictions on Taxpayer funded lobbying.

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

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

### **ARTICLE 3. LOBBYISTS.**

#### **§6B-3-10. Provisions may be adopted by local governments; disclosures by state agencies, municipalities, counties, and school districts relating to lobbying activities.**

(a) An incorporated municipality may enact lobbyist regulation provisions substantially similar to the provisions of this article which may be modified to the extent necessary to make the provisions relevant to that jurisdiction and which may be further modified to the extent deemed necessary and appropriate by and for that jurisdiction.

(b) Beginning on July 1, 2022, every state agency, municipality, county, and school district in the state that contracts for lobbying services shall disclose, and when applicable provide copies of, the following information to the West Virginia Ethics Commission:

(1) Contract details, including, but not limited to, the identities of the parties to the contract, the date on which the contract becomes or became effective, any applicable extension dates, payment and reimbursement terms, and duration;

(2) A copy of the contract for lobbying services;

(3) All costs to be paid or reimbursed, or already paid or reimbursed, for lobbying services associated with or related to the contract for lobbying services, including itemized expenses such as dinners, meals, or events; and

(4) The identities of any individuals or entities engaging in activities pursuant to the contract for lobbying services that may require the individual or entity to register as a lobbyist.

(c) On July 1, 2023, and on July 1 of each year thereafter, every state agency, municipality, county, and school district in the state that has contracted for lobbying services in the preceding year shall report to the Ethics Commission all information required by the provisions of subsection (b) of this section.

The bill (Eng. Com. Sub. for H. B. 3220), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4074**, Require schools provide eating disorder and self-harm training for teacher and students.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

## **ARTICLE 2. STATE BOARD OF EDUCATION.**

### **§18-2-40a. Education on and prevention of self-harm behavior and eating disorders.**

(a) This section shall be known and cited as "Meghan's Law".

(b) Training of public school employees and volunteers – The state board shall promulgate, by September 1, 2022, a legislative rule pursuant to §29A-3B-1 *et seq.* of this code, and if necessary

may promulgate an emergency rule in accordance with said article, to establish training requirements for all county board employees who might come into contact with a student, including full-time, part-time, and contract employees, as well as any volunteers of a school or school district that might come into contact with a student as such employees and volunteers may be further defined in the rule. The training shall be focused on developing skills, knowledge, and capabilities related to preventing, recognizing, and responding to students' self-harm behaviors and eating disorders. The rule shall provide for at least the following:

(1) The required training shall include instruction and information to better equip schools and their employees, including how to:

(A) Recognize warning signs of self-harm behaviors and eating disorders that can lead to serious health issues and death;

(B) Support the healthy development of students by learning how to appropriately respond to or refer a student who exhibits warning signs of self-harm or eating disorders; and

(C) Provide consistent and standard protocols for responding to disclosures or discovery of self-harm or an eating disorder;

(2) The rule shall contain provisions to ensure that public school employees complete the required training every three years; and

(3) The rule may provide for this training to be administered virtually or through self-review of materials and resources provided by the state board.

(c) Education of middle school and high school students – Beginning September 1, 2022, children in grades 5-12 shall receive information regarding self-harm and eating disorder signs, prevention, and treatment.

(1) This education shall occur at least once per academic school year.



(2) The information may be obtained from the Bureau for Behavioral Health and Health Facilities, a licensed healthcare provider, or from commercially developed awareness and prevention training programs for the awareness, treatment resources, and prevention of self-harm behavior and eating disorders approved by the state board in consultation with the bureau to assure the accuracy and appropriateness of the information.

(3) To facilitate this process and develop resources, the state board may promulgate a legislative rule pursuant to §29A-3B-1 et seq. of this code.

The bill (Eng. Com. Sub. for H. B. 4074), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4276**, WVU to create a Parkinson's disease registry.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 5DD. COLLECTION OF DATA RELATING TO PARKINSON'S DISEASE.**

**§16-5DD-1. Establishing collection guidelines for Parkinson's disease data.**

(a) West Virginia University may collect data on the incidence of Parkinson's disease in West Virginia and other epidemiological data as required by this article.

(b) These terms are defined:

"Parkinson's disease" means a chronic and progressive neurologic disorder resulting from deficiency of the neurotransmitter dopamine as the consequence of specific degenerative changes in the area of the brain called the basal ganglia. It is characterized by tremor at rest, slow movements, muscle rigidity, stooped posture, and unsteady or shuffling gait.

"Parkinsonisms" means related conditions that cause a combination of the movement abnormalities seen in Parkinson's disease, such as tremor at rest, slow movement, muscle rigidity, impaired speech or muscle stiffness, which often overlap with and can evolve from what appears to be Parkinson's disease. These include: Multiple System Atrophy (MSA), Dementia with Lewy Bodies (DLB), Corticobasal Degeneration (CBD), and Progressive Supranuclear Palsy (PSP).

(c) The registry and system of collection and dissemination of information shall be under the direction of West Virginia University, who may enter into contracts, grants, or other agreements as are necessary for the conduct of the program.

(d) All patients diagnosed with Parkinson's disease or related Parkinsonisms, as advised by an Advisory Committee, shall be provided a notice regarding the collection of information and patient data on Parkinson's disease. Patients who do not wish to participate in the collection of data for purposes of research in this registry shall affirmatively opt-out in writing after an opportunity to review the documents and ask questions. A patient may not be forced to participate in this registry.

(e) (1) West Virginia University shall establish a Parkinson's Disease Registry Advisory Committee to:

(A) Assist in the development and implementation of the registry which may include a system for the collection and dissemination of information determining the incidence and prevalence of Parkinson's disease and related Parkinsonisms;

(B) Determine what data shall be collected; and

(C) Generally, advise WVU.

(2) Membership of the committee may include:

(A) Neurologists from WVU, Marshall, and Charleston Area Medical Center;

(B) A movement disorder specialist;

(C) A primary care physician;

(D) A physician informaticist;

(E) Parkinson's disease patients;

(F) Public health staff;

(G) Population health researchers familiar with registries;

(H) Parkinson's disease researchers; and

(I) Anyone else West Virginia University deems necessary.

(f) Parkinson's disease and related Parkinsonisms shall be reported, but the mere incidence of a patient with Parkinson's shall be the sole required information for this registry for any patient who chooses not to participate. For the subset of patients who choose not to participate, further data may not be reported to the registry.

(g) A hospital, facility, physician, surgeon, physician assistant, and nurse practitioners, or other health care provider deemed necessary by West Virginia University diagnosing or providing treatment to Parkinson's disease or Parkinsonism patients, shall report each case of Parkinson's disease and Parkinsonisms to West Virginia University in a format prescribed by the university. West Virginia University may enter into data sharing contracts with data reporting entities and their associated electronic medical record systems vendors to securely and confidentially receive information related to Parkinson's disease testing, diagnosis, and treatment.

(h) West Virginia University may enter into agreements to furnish data collected in this registry to other states' Parkinson's disease registries, federal Parkinson's disease control agencies,

local health officers, or health researchers for the study of Parkinson's disease. Before confidential information is disclosed to those agencies, officers, researchers, or out-of-state registries, the requesting entity shall agree in writing to maintain the confidentiality of the information, and in the case of researchers, shall also do both of the following:

(1) Obtain approval of their committee for the protection of human subjects established in accordance with Part 46 (commencing with Section 46.101) of Title 45 of the Code of Federal Regulations; and

(2) Provide documentation to West Virginia University that demonstrates to the university's satisfaction that the entity has established the procedures and ability to maintain the confidentiality of the information.

(i) Except as otherwise provided in this section, all information collected pursuant to this section shall be confidential. For purposes of this section, this information shall be referred to as confidential information.

(j) Notwithstanding any other law, a disclosure authorized by this section shall include only the information necessary for the stated purpose of the requested disclosure, used for the approved purpose, and not be further disclosed.

(k) Provided the security of confidentiality has been documented, the furnishing of confidential information to West Virginia University or its authorized representative in accordance with this section shall not expose any person, agency, or entity furnishing information to liability, and shall not be considered a waiver of any privilege or a violation of a confidential relationship.

(l) West Virginia University shall maintain an accurate record of all persons who are given access to confidential information. The record shall include the name of the person authorizing access; name, title, address, and organizational affiliation of persons given access; dates of access; and, the specific purpose for which

information is to be used. The record of access shall be open to public inspection during normal operating hours of the university.

(m) Notwithstanding any other law, the confidential information shall not be available for subpoena, shall not be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding. The confidential information shall not be deemed admissible as evidence in any civil, criminal, administrative, or other tribunal or court for any reason. This subsection does not prohibit the publication by West Virginia University of reports and statistical compilations that do not in any way identify individual cases or individual sources of information. Notwithstanding the restrictions in this subsection, the individual to whom the information pertains shall have access to his or her own information.

(n) This section does not preempt the authority of facilities or individuals providing diagnostic or treatment services to patients with Parkinson's disease to maintain their own facility-based Parkinson's disease registries.

The bill (Eng. Com. Sub. for H. B. 4276), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

**Com. Sub. for Senate Bill 25**, Updating provisions of Medical Professional Liability Act.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for Senate Bill 438**, Relating generally to WV Security for Public Deposits Act.

On first reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

**Com. Sub. for Senate Bill 505**, Updating laws on licensure and regulation of money transmitters.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for Senate Bill 515**, Supplementing and amending appropriations of public moneys to Department of Administration, Public Defender Services.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Senate Bill 517**, Expiring funds from unappropriated balance in State Excess Lottery Revenue Fund.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for Senate Bill 520**, Increasing financial penalties for ransomware attacks.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Senate Bill 525**, Expiring funds from unappropriated balance in Lottery Net Profits.

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 Azinger, Sypolt, Smith, Romano, and Tarr.

Thereafter, at the request of Senator Tarr, and by unanimous consent, the remarks by Senator Azinger were ordered printed in the Appendix to the Journal.

At the request of Senator Beach, unanimous consent being granted, the remarks by Senator Smith were ordered printed in the Appendix to the Journal.

At the request of Senator Caputo, and by unanimous consent, the remarks by Senator Romano 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 senator was removed as a co-sponsor of the following bill on February 8, 2022:

**Senate Bill 574:** Senator Plymale.

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 8, 2022:

**Senate Bill 416:** Senator Woodrum;

**Senate Bill 489:** Senator Jeffries;

**Senate Bill 575:** Senator Grady;

**Senate Bill 592:** Senator Rucker;

**Senate Bill 593:** Senators Woelfel, Hamilton, and Rucker;

**Senate Bill 594:** Senator Woelfel;

**Senate Bill 596:** Senator Martin;

**Senate Resolution 20:** Senator Hamilton;

**Senate Resolution 21:** Senator Hamilton;

**Senate Resolution 22:** Senators Lindsay, Jeffries, Hamilton, Stollings, and Rucker;

**Senate Resolution 23:** Senators Lindsay, Jeffries, Hamilton, Caputo, Stollings, Martin, and Rucker;

And,

**Senate Resolution 24:** Senators Woodrum, Lindsay, and Jeffries.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:22 p.m., the Senate adjourned until tomorrow, Thursday, February 10, 2022, at 11 a.m.

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## THURSDAY, FEBRUARY 10, 2022

The Senate met at 11:03 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Pastor Jeff Davenport, First Baptist Church of Hurricane, Hurricane, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Hannah N. Geffert, a senator from the sixteenth district.

Pending the reading of the Journal of Wednesday, February 9, 2022,

At the request of Senator Weld, 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 communications from various state agencies as required by the provisions of law:

Administration, Department of (Procurement of Recycled Products) (§22-15A-21)



Development Office (Energy Savings in Public Buildings Report) (§5B-2F-4)

Development Office (Tax Increment Financing) (§7-11B-15)

Dietitians, Board of Licensed (§30-1-12)

Health and Human Resources, Department of (Medical Cannabis Advisory Board) (§16A-11-1)

Lottery Commission (§29-22-20)

Motor Vehicles, Division of (Interlock Program) (§17C-5A-3a)

Respiratory Care, Board of (§30-1-12)

Sanitarians, Board of (§30-1-12)

Treasurer, Office of the (Debt Position Quarterly Report) (§12-6A-6)

The Senate proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Senate Bill 436**, Correcting code citation for authority of State Fire Marshal.

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 3036**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-17-20, relating to sunseting the Board of Sanitarians by June 30, 2023.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as

amended, with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

**Eng. Com. Sub. for House Bill 4067**, To make certain agency reports electronic or eliminating certain agency reports altogether.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendments to the bill were reported by the Clerk:

On page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF  
THE GOVERNOR, SECRETARY OF STATE, AND  
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;  
MISCELLANEOUS AGENCIES, COMMISSIONS,  
OFFICES, PROGRAMS, ETC.**

**ARTICLE 11B. PREGNANT WORKERS FAIRNESS ACT.**

**§5-11B-7. Reports.**

The Commission shall ~~annually~~ on October 1 of each year report to the Joint Committee on Government and Finance on the number of complaints filed under this article during the previous year and their resolution. The report shall be transmitted to the members of the committee electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, a member shall be provided a hard copy upon request.

**CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.**

**ARTICLE 6C. WEST VIRGINIA CYBER INCIDENT  
REPORTING.**

**§5A-6C-4. Cybersecurity Office annual report.**

(a) On or before December 31 of each year, and when requested by the Legislature, the Cybersecurity Office shall provide a report to the Joint Committee on Government and Finance containing the number and nature of incidents reported to it during the preceding calendar year. The report shall be transmitted to the members of the committee electronically and shall be sent to the legislative librarian to be posted on the legislative website. No hard copy of the report shall be issued; however, a member shall be provided a hard copy upon request.

(b) The Cybersecurity Office shall also make recommendations, if any, on security standards or mitigation that should be adopted.

## **CHAPTER 8. MUNICIPAL CORPORATIONS.**

### **ARTICLE 13C. MUNICIPAL TAX IN LIEU OF BUSINESS AND OCCUPATION TAX; AND MUNICIPAL TAXES APPLICABLE TO PENSION FUNDS; ADDITIONAL AUTHORITIES RELATING TO PENSIONS AND BOND ISSUANCE.**

#### **§8-13C-13. Study.**

[Repealed.]

## **CHAPTER 9. HUMAN SERVICES**

### **ARTICLE 4A. MEDICAID UNCOMPENSATED CARE FUND.**

#### **§9-4A-2b. Expansion of coverage to children and terminally ill.**

(a) It is the intent of the Legislature that steps be taken to expand coverage to children and the terminally ill and to pay for this coverage by fully utilizing federal funds. To achieve this intention, the Department of Health and Human Resources shall undertake the following:

(1) The department shall provide a streamlined application form, which shall be no longer than two pages, for all families

applying for medical coverage for children under any of the programs set forth in this section; and

(2) The department shall provide the option of hospice care to terminally ill West Virginians who otherwise qualify for Medicaid. ~~The department shall provide quarterly reports to the Legislative Oversight commission on health and human resources accountability created pursuant to section four, article twenty-nine, chapter sixteen of this code regarding the program provided for in this subdivision. The report shall include, but not be limited to, the total number, by age, of newly eligible clients served, the average annual cost of coverage per client and the total cost, by provider type, to serve all clients.~~

(3) The department shall accelerate the Medicaid option for coverage of Medicaid to all West Virginia children whose family income is below one hundred percent of the federal poverty guideline. ~~The department shall provide quarterly reports to the Legislative Oversight commission on health and human resources accountability regarding the program acceleration provided for in this subdivision. The report shall include, but not be limited to, the number of newly eligible clients, by age, served as a result of the acceleration, the average annual cost of coverage per client and the total cost of all clients served by provider type.~~

(b) Notwithstanding the provisions of §9-4A-2a of this code, the accruing interest in the medical services trust fund may be utilized to pay for the programs specified in subsection (a) of this section: *Provided*, That to the extent the accrued interest is not sufficient to fully fund the specified programs, the disproportionate share hospital funds paid into the medical services trust fund after June 30, 1994, may be applied to cover the cost of the specified programs.

(c) Annually on January 1, the department shall report to the Governor and to the Legislature information regarding the number of children and elderly covered by the programs in subdivisions (2) and (3) of subsection (a), the cost of services by type of service provided, a cost-benefit analysis of the acceleration and expansion

on other insurers and the reduction of uncompensated care in hospitals as a result of the programs.

#### **ARTICLE 4C. HEALTH CARE PROVIDER MEDICAID ENHANCEMENT ACT.**

##### **§9-4C-7. Powers and duties.**

(a) Each board created pursuant to this article shall:

(1) Develop, recommend, and review reimbursement methodology where applicable, and develop and recommend a reasonable provider fee schedule, in relation to its respective provider groups, so that the schedule conforms with federal Medicaid laws and remains within the limits of annual funding available to the single state agency for the Medicaid program. In developing the fee schedule the board may refer to a nationally published regional specific fee schedule, if available, as selected by the secretary in accordance with §9-4C-8 of this code. The board may consider identified health care priorities in developing its fee schedule to the extent permitted by applicable federal Medicaid laws, and may recommend higher reimbursement rates for basic primary and preventative health care services than for other services. In identifying basic primary and preventative health care services, the board may consider factors, including, but not limited to, services defined and prioritized by the basic services task force of the health care planning commission in its report issued in December of the year 1992; and minimum benefits and coverages for policies of insurance as set forth in and minimum benefits and coverages for policies of insurance as set forth in ~~section fifteen, article fifteen,~~ chapter thirty-three of this code ~~and section four, article sixteen e of said chapter~~ and rules of the Insurance Commissioner promulgated thereunder. If the single state agency approves the adjustments to the fee schedule, it shall implement the provider fee schedule;

(2) Review its respective provider fee schedule on a quarterly basis and recommend to the single state agency any adjustments it considers necessary. If the single state agency approves any of the board's recommendations, it shall immediately implement those

~~adjustments and shall report the same to the Joint Committee on Government and Finance on a quarterly basis;~~

(3) Assist and enhance communications between participating providers and the Department of Health and Human Resources;

(4) Meet and confer with representatives from each specialty area within its respective provider group so that equity in reimbursement increases or decreases may be achieved to the greatest extent possible and when appropriate to meet and confer with other provider boards; and

(5) Appoint a chairperson to preside over all official transactions of the board.

(b) Each board may carry out any other powers and duties as prescribed to it by the secretary.

(c) Nothing in this section gives any board the authority to interfere with the discretion and judgment given to the single state agency that administers the state's Medicaid program. If the single state agency disapproves the recommendations or adjustments to the fee schedule, it is expressly authorized to make any modifications to fee schedules as are necessary to ensure that total financial requirements of the agency for the current fiscal year with respect to the state's Medicaid plan are met and shall report such modifications to the Joint Committee on Government and Finance on a quarterly basis. The purpose of each board is to assist and enhance the role of the single state agency in carrying out its mandate by acting as a means of communication between the health care provider community and the agency.

(d) In addition to the duties specified in subsection (a) of this section, the ambulance service provider Medicaid board shall develop a method for regulating rates charged by ambulance services.

~~(e) On a quarterly basis, the single state agency and the board shall report the status of the fund, any adjustments to the fee schedule and the fee schedule for each health care provider identified in section two of this article to the Joint Committee on Government and Finance.~~

**CHAPTER 12. PUBLIC MONEYS AND SECURITIES.****ARTICLE 7. JOBS INVESTMENT TRUST FUND.****§12-7-12. Reports of board; report of housing development fund.**

(a) The board shall prepare annually, or more frequently if deemed necessary by the board, a report of its operations and the performance of the various investments administered by it. A copy thereof shall be furnished to the Governor, the President of the Senate, the Speaker of the House of Delegates, the Legislative Auditor and, upon request, to any legislative committee. Such report shall be kept available for inspection by any citizen of this state.

(b) The West Virginia housing development fund shall prepare annually and submit to the ~~president~~ President of the Senate, the ~~speaker~~ Speaker of the House of Delegates, the Legislative Auditor and, upon request, any legislative committee, a report on the performance of the board and the quality of its investments for the preceding year.

(c) The report shall be transmitted to the President of the Senate, the Speaker of the House of Delegates, the Legislative Auditor and, upon request, any legislative committee electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

**CHAPTER 14. CLAIMS DUE AND AGAINST THE STATE.****ARTICLE 2A. COMPENSATION AWARDS TO VICTIMS OF CRIMES.****§14-2A-21. Annual report of West Virginia Legislative Claims Commission.**

The West Virginia Legislative Claims Commission shall prepare and transmit annually to the Governor and the Legislature a report of the activities of the West Virginia Legislative Claims Commission under this article. The report shall include the number

of claims filed, the number of awards made, ~~and~~ the amount of each award, and a statistical summary of claims and awards made and denied; the balance in the Crime Victims Compensation Fund with a listing by source and amount of the moneys that have been deposited in the fund; the amount that has been withdrawn from the fund, including separate listings of the administrative costs incurred by the West Virginia Legislative Claims Commission, compensation of commissioners and commission personnel, and the amount awarded as attorneys' fees. The report shall be transmitted to the Governor and members of the Legislature electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

## **CHAPTER 16. PUBLIC HEALTH.**

### **ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.**

#### **§16-1-21. Creation of Diabetes Action Plan.**

[Repealed]

### **ARTICLE 3B. PERTUSSIS.**

#### **§16-3B-4. DATA COLLECTION ON PERTUSSIS VACCINE ADMINISTRATION.**

(a) By guideline, the department shall establish a system, sufficient for the purposes of subsections (b) and (c) of this section, to collect data from the local health officers, from public and private health care providers and from parents on the incidence of pertussis and major adverse reactions to pertussis vaccine.

(b) On the basis of information collected under this subsection and of other information available, the department shall periodically revise and update the information required by and the guidelines adopted under §16-3B-2 of this code.



(c)(4) The department shall report to the United States Centers for Disease Control and Prevention all information collected under this section, including that received under §16-3B-3 of this code.

~~(2) The department shall report annually to the Legislature on the incidence of pertussis and of adverse reactions to pertussis vaccine.~~

## **ARTICLE 33. BREAST AND CERVICAL CANCER PREVENTION AND CONTROL ACT.**

### **§16-33-6. Annual report.**

The director shall submit an annual report to the Governor and the Legislature concerning the operation of the breast and cervical cancer detection and education program including available data and assessment. Such report shall also include any recommendations for additional action to respond to the high incidence of breast and cervical cancer in this state. The report shall be transmitted to Governor and members of the Legislature electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

## **ARTICLE 41. ORAL HEALTH IMPROVEMENT ACT.**

### **§16-41-6. Reporting requirements.**

[Repealed.]

## **CHAPTER 18. EDUCATION.**

## **ARTICLE 10L. RON YOST PERSONAL ASSISTANCE SERVICES ACT.**

### **§18-10L-7. Report.**

[Repealed.]

**CHAPTER 22A. MINERS' HEALTH, SAFETY AND TRAINING.**

**ARTICLE 6. BOARD OF COAL MINE HEALTH AND SAFETY.**

**§22A-6-11. Study of methane detecting shut off devices.**

[Repealed.]

**§22A-6-12. Study of whistleblower protections.**

[Repealed.]

**§22A-6-13. Study of ingress and egress to bleeder and gob areas of longwall panels and pillar.**

[Repealed.]

**CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.**

**ARTICLE 6. CIVIL SERVICE SYSTEM.**

**§29-6-7a. Report on a centralized personnel system.**

[Repealed.]

**CHAPTER 31. CORPORATIONS.**

**ARTICLE 15A. WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT COUNCIL.**

**§31-15A-17b. Infrastructure lottery revenue bonds for watershed compliance projects.**

(a)(1) The Chesapeake Bay has been identified as an impaired water body due to excessive nutrients entering the bay from various sources in six states, including wastewater facilities in West Virginia. To restore the Chesapeake Bay, the states have agreed to reduce their respective nutrient contributions to the Chesapeake Bay.

(2) The Greenbrier River Watershed in southeastern West Virginia which encompasses approximately 1,646 square miles, the majority of which lies within Pocahontas, Greenbrier, Monroe, and Summers counties, has been identified as an impaired water body due to excessive levels of fecal coliform and phosphorus entering the watershed from various sources, including wastewater facilities in West Virginia. To restore the Greenbrier River Watershed, the state agrees to reduce the fecal coliform and phosphorus contributions to the Greenbrier River Watershed.

(b) Notwithstanding any other provision of this code to the contrary, the Water Development Authority may issue, in accordance with the provisions of §31-15A-17 of this code, infrastructure lottery revenue bonds payable from the West Virginia Infrastructure Lottery Revenue Debt Service Fund created by §31-15A-9 of this code and such other sources as may be legally pledged for such purposes other than the West Virginia Infrastructure Revenue Debt Service Fund created by §31-15A-17 of this code.

(c) The council shall direct the Water Development Authority to issue bonds in one or more series when it has approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed compliance projects with an authorized permitted flow of 400,000 gallons per day or more. The proceeds of the bonds shall be used solely to pay costs of issuance, fund a debt service reserve account, capitalize interest, pay for security instruments necessary to market the bonds, and to make grants to governmental instrumentalities of the state for the construction of approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed compliance projects. To the extent funds are available in the West Virginia Infrastructure Lottery Revenue Debt Service Fund that are not needed for debt service, the council may direct the Water Development Authority to make grants to project sponsors for the design or construction of approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed compliance projects: *Provided*, That the council shall direct the Water Development Authority to provide from moneys in the Lottery Revenue Debt Service Fund not needed to pay debt

service in fiscal year 2013, a grant of \$6 million to a Chesapeake Bay watershed compliance project which opened bids on December 28, 2011, and further provided that such Chesapeake Bay watershed compliance project shall receive no further grant funding under this section after receipt of the \$6 million grant.

(d) No later than June 30, 2012, each publicly owned facility with an authorized permitted flow of 400,000 gallons per day or more that is subject to meeting Chesapeake Bay compliance standards or Greenbrier River watershed compliance standards shall submit to the council a 10-year projected capital funding plan for Chesapeake Bay watershed compliance projects or Greenbrier River watershed compliance projects, as the case may be, including a general project description, cost estimate, and estimated or actual project start date and project completion date, if any. The council shall timely review the submitted capital funding plans and forward approved plans to the Water Development Authority for further processing and implementation pursuant to this article. If the council finds a plan to be incomplete, inadequate, or otherwise problematic, it shall return the plan to the applicant with comment on the plan shortcomings. The applicant may then resubmit to council an amended capital funding plan for further consideration pursuant to the terms of this subsection.

(e) Upon approval, each proposed Chesapeake Bay watershed compliance project or Greenbrier River watershed compliance project, or portion of a larger project, which portion is dedicated to compliance with nutrient standards, or fecal coliform and phosphorus standards, established for the protection and restoration of the Chesapeake Bay or the Greenbrier River watershed, as the case may be, shall be eligible for grant funding by funds generated by the infrastructure lottery revenue bonds described in subsection (b) of this section. At the request of the applicant, the remaining percentage of project funding not otherwise funded by grant under the provisions of this article may be reviewed as a standard project funding application.

~~(f) No later than December 1, 2012, the Water Development Authority shall report to the Joint Committee on Government and Finance the total cost of Chesapeake Bay watershed compliance~~

~~projects and the Greenbrier River watershed compliance projects and the proposed grant awards for each eligible project. From the proceeds of bonds issued under subsection (b) of this section, the council shall direct the Water Development Authority to make grants to eligible projects ready to proceed to construction and those grant awards shall be pro-rated to an equal percentage of total eligible costs among all applicants for each eligible project as certified by the Water Development Authority in its report to the Joint Committee on Government and Finance dated November 26, 2012: *Provided*, That the final project, and its financing, is consistent with the scope of the eligible project included in the council's approval on December 5, 2012~~

~~(g)~~ (f) Eligible projects that have obtained project financing prior to December 31, 2012, may apply to the council for funding under the provisions of this section. These applications shall be processed and considered as all other eligible projects, and a grant funding awarded shall, to the extent allowed by law, be dedicated to prepay all or a portion of debt previously incurred by governmental instrumentalities of the state for required Chesapeake Bay nutrient removal projects or Greenbrier River watershed fecal coliform and phosphorus removal projects, subject to the bond covenants and contractual obligations of the borrowing governmental entity. However, any private portion of funding provided by agreement between a political subdivision and one or more private entities, either by direct capital investment or debt service obligation, shall not be eligible for grant funding under the provisions of this article.

## **ARTICLE 18. WEST VIRGINIA HOUSING DEVELOPMENT FUND.**

### **§31-18-24. Annual audit; reports to Joint Committee on Government and Finance; information to joint committee or legislative auditor.**

The Housing Development Fund shall cause an annual audit to be made by an independent certified public accountant of its books, accounts, and records, with respect to its receipts, disbursements, contracts, mortgages, leases, assignments, loans, and all other

matters relating to its financial operations, including those of the Operating Loan Fund, the Land Development Fund, and the Mortgage Finance Bond Insurance Fund. The person performing such audit shall furnish copies of the audit report to the commissioner of finance and administration, where they shall be placed on file and made available for inspection by the general public. The person performing such audit shall also furnish copies of the audit report to the Speaker of the House of Delegates, the President of the Senate, and the majority and minority leaders of both houses. The audit report shall be transmitted to the Speaker of the House of Delegates, the President of the Senate, and the majority and minority leaders of both houses of the Legislature electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the audit report shall be issued; however, upon request a hard copy shall be provided.

In addition to the foregoing annual audit report, the Housing Development Fund shall also render every six months to the Joint Committee on Government and Finance a report setting forth in detail a complete analysis of the activities, indebtedness, receipts, and financial affairs of such fund and the Operating Loan Fund, the Land Development Fund, Affordable Housing Fund, and the Mortgage Finance Bond Insurance Fund. Upon demand, the Housing Development Fund shall also submit to the Joint Committee on Government and Finance or the Legislative Auditor any other information requested by such committee or the Legislative Auditor. The report shall be available electronically only, and no hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

## CHAPTER 33. INSURANCE.

### ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

#### §33-25A-35. Rural health maintenance organizations.

[Repealed.]

**CHAPTER 49. CHILD WELFARE****ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.****§49-2-604. Program administration; implementation; procedures; annual evaluation; coordination; plans; grievances; reports.**

(a) The administering agency for the family support program is the Department of Health and Human Resources.

(b) The Department of Health and Human Resources shall initially implement the family support program through contracts with an agency within four of the state's behavioral health regions, with the four regions to be determined by the Department of Health and Human Resources in consultation with the state family support council. These regional family support agencies of the family support program will be responsible for implementing this article and subsequent policies for the families of persons with developmental disabilities residing within their respective regions.

(c) The Department of Health and Human Resources, in conjunction with the state family support council, shall adopt policies and procedures regarding:

(1) Development of annual budgets;

(2) Program specifications;

(3) Criteria for awarding contracts for operation of regional family support programs and the role of regional family support councils;

(4) Annual evaluation of services provided by each regional family support agency, including consumer satisfaction;

(5) Coordination of the family support program and the use of its funds, throughout the state and within each region, with other publicly funded programs, including Medicaid;

(6) Performance of family needs assessments and development of family service plans;

(7) Methodology for allocating resources to families within the funds available; and

(8) Resolution of grievances filed by families pertaining to actions of the family support program.

~~(d) The Department of Health and Human Resources shall submit a report to the Governor and the Legislature on the family support program by September 15, of every year so long as the program is funded.;~~

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for House Bill 4067**—A Bill to repeal §8-13C-13 of the Code of West Virginia, 1931, as amended; to repeal §16-1-21 of said code; to repeal §16-41-6 of said code; to repeal §18-10L-7 of said code; to repeal §22A-6-11, §22A-6-12, and §22A-6-13 of said code; to repeal §29-6-7a of said code; to repeal §33-25A-35 of said code; to amend and reenact §5-11B-7 of said code; to amend and reenact §5A-6C-4 of said code; to amend and reenact §9-4A-2b of said code; to amend and reenact §9-4C-7 of said code; to amend and reenact §12-7-12 of said code; to amend and reenact §14-2A-21 of said code; to amend and reenact §16-3B-4 of said code; to amend and reenact §16-33-6 of said code; to amend and reenact §31-15A-17b of said code; to amend and reenact §31-18-24 of said code; and to amend and reenact §49-2-604 of said code, all relating to making certain reports electronic rather than in printed hard-copy form; providing for hard copies to be furnished upon request; and eliminating the reporting requirement entirely for those agencies whose reports are no longer needed or whose deadlines have passed with reports already submitted.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendments to the bill.



Engrossed Committee Substitute for House Bill 4067, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4067) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4067) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4355**—A Bill to amend and reenact §18B-10-14 of the Code of West Virginia, 1931, as amended, all relating to the sale of educational materials, books, stationary, and other school and office supplies generally carried in college bookstores; requiring the disclosure by state institutions of higher education of certain information regarding textbooks and digital courseware; requiring disclosure of courses using open education resource materials; requiring disclosure of automatic charges assessed by an institution for required educational materials; establishing the standards to which an institution must adhere when entering into an automatic billing agreement with an entity; prohibiting institutions from entering into automatic billing agreements that would deny a student access to educational materials for refusing to allow the use of that student's data; and providing definitions.

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 4380**—A Bill to amend and reenact §18-5-13 of the Code of West Virginia, 1931, as amended, relating to the transportation of students and passengers for extracurricular activities; increasing the number of ten-passenger vehicles which may be used for any school-sponsored activity; and clarifying that busses shall be used to transport nineteen or more passengers.

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 4389**—A Bill to repeal §18-5B-1, §18-5B-2, §18-5B-3, §18-5B-4, §18-5B-5, §18-5B-6, §18-5B-7, §18-5B-8, §18-5B-9, §18-5B-11, §18-5B-12, §18-5B-13 and §18-5B-14 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-5B-10 of said code; and to amend and

reenact §18-5E-3 of said code, all relating to repealing school innovation zones provisions superseded by Innovation in Education Act; updating exceptions to statutes granted to schools to reflect changes in underlying circumstances; updating provisions related to granted exceptions to accommodate exceptions which may be granted to innovation in education schools and school systems; and clarifying process for state board and legislative oversight commission on education accountability to approve and recommend exceptions to statutes.

Referred to the Committee on Education.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 10th day of February, 2022, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**(S. B. 435)**, Awarding service weapon to retiree from Division of Protective Services.

**(Com. Sub. for S. B. 437)**, Providing for early discharge of parolees.

And,

**(Com. Sub. for S. B. 449)**, Relating to Nonviolent Offense Parole Program.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Dean Jeffries,  
*Chair, House Committee.*

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 33**, Protecting consumers against businesses using automatic renewals without consent.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 33** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, and §46A-6O-6, all relating to automatic purchase renewal offers and continuous service offers; stating legislative intent; defining terms; setting notice and disclosure requirements for automatic purchase renewal offers and continuous service offers; providing that a business may not charge the consumer for an automatic renewal or continuous services without first obtaining the consumer's affirmative consent; providing acknowledgement requirements; providing that a business shall disclose how to cancel the automatic renewal or continuous service before the consumer pays, if the offer includes a free gift or trial; providing that a business shall provide certain mechanisms for cancellation of the automatic renewal or continuous offer in the acknowledgement; requiring a business to provide contact information to the consumer; providing means for terminating the automatic renewal or continuous service offer online; providing notice requirements in the case of material changes in the terms of the automatic renewal or continuous service; providing that a business shall provide to the consumer a reminder of the recurring charge and information on how the consumer may cancel at least 30 days prior to the charge in the case of automatic renewal or continuous service offers of certain frequency; providing a period of application; providing that goods, wares, merchandise, or products shall be deemed an unconditional gift to the consumer when the business sends any goods, wares, merchandise, or products to a consumer without first obtaining the consumer's

affirmative consent under a continuous service agreement or automatic renewal of a purchase; providing a civil cause of action; providing statutory penalties; providing that no action may be brought until written notice is provided by the consumer, or his or her representative, to the business; providing written notice requirements; providing mailing requirements; providing the business an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for the business to remit payment, if any, as specified in the accepted cure offer; providing that a claim may be brought for failure of the business to timely effect the accepted cure offer; providing that the written notice is a jurisdictional prerequisite to bringing a cause of action; prohibiting certification of certain class action litigation; providing the court discretion to award plaintiff costs of the action, including reasonable attorney's fees; providing that plaintiff is not entitled to costs and attorney's fees under certain circumstances; providing a statute of limitations; providing for tolling of the statute of limitations; and providing exemptions.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bills 330, 331, 332, and 333**, DMV rule relating to examination and issuance of driver's license.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 330** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-8-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally

to authorizing certain agencies of the Department of Transportation to promulgate legislative rules; authorizing the rules as modified and amended by the Legislative Rule-Making Review Committee and as amended by the Legislature; relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to the examination and issuance of driver's license; relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to dealer licensing; relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to the collection of tax on the sale of a vehicle; and relating to authorizing the Department of Transportation to promulgate a legislative rule relating to employment procedures.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 531**, Increasing annual salaries of certain state employees.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

**Senate Bill 532**, Requiring reports to Joint Committee on Pensions and Retirement every five years on deferred retirement option plans.

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,

Eric Nelson, Jr.,  
*Chair.*

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Pensions.

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 561**, Increasing number of magistrate judges in Berkeley County.

And reports the same back with the recommendation that it do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Trump, unanimous consent being granted, the bill (S. B. 561) contained in the preceding report from the Committee on the Judiciary was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. House Bill 4097**, To prohibit nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. House Bill 4312**, Extending the option of electronic absentee ballot transmission to first responders in certain emergency circumstances.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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 Hamilton, Karnes, and Martin:**

**Senate Bill 608**—A Bill to amend and reenact §11-4-2 and §11-4-3 of the Code of West Virginia, 1931, as amended, all relating to assessment of real property; and providing that an immediate family member or former spouse of the owner of real property who occupies the real property of the owner exclusively for residential purposes shall be included in class (1) for assessment and taxation purposes.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senator Clements:**

**Senate Bill 609**—A Bill to amend and reenact §17-2A-15 of the Code of West Virginia, 1931, as amended, relating to the Commissioner of the Division of Highways accepting ownership of equipment which has been rented or leased; and setting forth requirements.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Clements:**

**Senate Bill 610**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-2-1; relating to setting forth the duties, powers, and responsibilities of the Secretary of the Department of Transportation.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

**By Senator Clements:**

**Senate Bill 611**—A Bill to amend and reenact §17-4-20 of the Code of West Virginia, 1931, as amended, relating to removing the cap on a bidder's contract bond; and updating outdated language.

Referred to the Committee on Transportation and Infrastructure.

**By Senators Brown and Weld:**

**Senate Bill 612**—A Bill to amend and reenact §8-16-1 and §8-16-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-22-19 and §8-22-20 of said code; to amend and reenact §8-33-4 of said code; and to amend and reenact §33-3-14d of said code, all generally relating to pension obligation bonds for municipalities; providing for a definition of "pension funding program"; providing updates to the purview of a governing body relating to pensions; permitting payment of debt service from allocable monies from the Municipal Pensions Security Fund; including the possibility of no pension funding obligations being outstanding; providing specific powers to cities relating to Certificates of Participation; and providing for revenue allocation termination.

Referred to the Committee on Pensions.

**By Senators Smith and Phillips:**

**Senate Bill 613**—A Bill to amend and reenact §11-13A-5a of the Code of West Virginia, 1931, as amended, relating to the apportionment of oil and gas severance taxes; and relating to adequately and meaningfully fund the West Virginia Department of Environmental Protection's Office of Oil and Gas.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

**By Senators Rucker, Boley, Clements, Grady, Karnes, Maynard, Phillips, Roberts, Smith, Stover, Sypolt, Takubo, Tarr, Weld, and Woodrum:**

**Senate Bill 614**—A Bill to amend and reenact §16-39-3 and §16-39-8 of the Code of West Virginia, 1931, as amended, all relating to Mylissa Smith's Law; defining terms; and requiring health care facilities to ensure patients have adequate, lawful access to clergy.

Referred to the Committee on Health and Human Resources.

**By Senator Rucker:**

**Senate Bill 615**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7h; to amend said code by adding thereto a new section,

designated §9-5-29; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3ii; to amend said code by adding thereto a new section, designated §33-24-7x; to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating to requiring coverage for certain conditions; requiring coverage treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections; requiring coverage for treatment of pediatric acute onset neuropsychiatric syndrome; requiring a prior authorization to be obtained; and requiring that a physician demonstrate that all other treatments have been exhausted.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

**By Senator Weld:**

**Senate Bill 616**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8B-19, relating to the confidentiality of court files and law-enforcement records of certain enumerated offenses, and the order permitting the examination or copying of certain files; obtaining certain files by the issuance of a subpoena duces tecum; and creating a misdemeanor offense and penalty for a violation.

Referred to the Committee on the Judiciary.

Senators Boley, Rucker, Azinger, Blair (Mr. President), Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Woodrum offered the following resolution:

**Senate Concurrent Resolution 44**—Clarifying that the 1972 ratification by the 60th Legislature of the proposed 1972 Equal Rights amendment to the Constitution of the United States only was valid through March 22, 1979.

Whereas, The 92nd Congress of the United States of America, during its second session, with the constitutionally required vote of two thirds of both houses, on March 22, 1972, gave final approval to House Joint Resolution No. 208, commonly referred to as the Equal Rights Amendment, to propose the amendment to the Constitution of the United States, pursuant to Article V of the Constitution of the United States; and

Whereas, In offering the proposed federal constitutional amendment to America's state lawmakers, the 92nd Congress chose a deadline of 7 years, or until March 22, 1979, for the constitutionally mandated ratification of the amendment by three fourths of the country's state legislatures; and

Whereas, In Senate Joint Resolution No. 3, the First Extraordinary Session of the 60th Legislature in 1972, responded by ratifying the proposed 1972 Equal Rights Amendment to the Constitution of the United States; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby clarifies the 1972 ratification by the 60th Legislature of the proposed 1972 Equal Rights amendment to the Constitution of the United States only was valid through March 22, 1979; and, be it

*Further Resolved,* That the 85th Legislature deems that the vitality of Senate Joint Resolution No. 3 of the 60th Legislature by which West Virginia lawmakers ratified the 1972 Equal Rights Amendment, officially lapsed at 11:59 p.m. on March 22, 1979; and, be it

*Further Resolved,* That, after March 22, 1979, the West Virginia Legislature, while in agreement women and men should enjoy equal rights in the eyes of the law, should not be counted by Congress, the Archivist of the United States, lawmakers in any other state, any court of law, or any other person, as still having on record a live ratification of the proposed Equal Rights Amendment to the Constitution of the United States as was offered by House

Joint Resolution No. 208 of the 92nd Congress on March 22, 1972; and, be it

*Further Resolved*, That the 85th Legislature respectfully requests the full and complete verbatim text of this resolution be duly published in the United States Senate's portion of the Congressional Record, as an official memorial to the United States Senate, and that this resolution be referred to the committee of the United States Senate with appropriate jurisdiction over its subject matter; and, be it

*Further Resolved*, That the 85th Legislature respectfully requests the substance of this resolution be duly entered in the United States House of Representatives' portion of the Congressional Record, as an official memorial to the United States House of Representatives, and that this resolution be referred to the committee of the United States House of Representatives with appropriate jurisdiction over its subject matter; and, be it

*Further Resolved*, That the Secretary of State forward copies of this resolution to the Vice President of the United States, the Secretary and Parliamentarian of the United States Senate; the Speaker, Clerk, and Parliamentarian of the United States House of Representatives; each member of the West Virginia Congressional Delegation; and the Archivist of the United States at the National Archives and Records Administration in Washington, D.C.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Com. Sub. for Senate Concurrent Resolution 28**, US Army PVT Garland Lee Loudermilk Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Com. Sub. for Senate Concurrent Resolution 29**, Nitro WW I Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Senate Resolution 22**, Commemorating 250th anniversary of Berkeley County.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the resolution was laid over one day, retaining its place on the calendar.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 6**, Establishing common law "veil piercing" claims not be used to impose personal liability.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Weld—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 6) passed.

On motion of Senator Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for Senate Bill 6**—A Bill to amend and reenact §31B-3-303 of the Code of West Virginia, 1931, as amended, relating to the applicability of "corporate veil piercing" analysis to impose personal liability on a member or manager of a limited liability company; establishing the intent and policy of the Legislature to modify the applicability of "corporate veil piercing" analysis adopted in *Joseph Kubican v. The Tavern, LLC*, 232 W.Va. 268, 752 S.E.2d 299 (2013) with respect to certain claims against a limited liability company; clarifying circumstances in which members of a limited liability company may be held liable in their capacity as members for debts, obligations, or liabilities of the company; establishing criteria required for court to apply "corporate veil piercing analysis" in certain claims asserted against a limited liability company; providing for liability of non-human members of a limited liability company under doctrine of joint enterprise liability; providing for liability of a member of a limited liability company as a tortfeasor; authorizing a creditor of a limited liability company to seek "clawback" from a member of limited liability company under certain circumstances; and defining terms.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Caputo, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

**Eng. Com. Sub. for Senate Bill 312**, Authorization for 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.

On the passage of the bill, the yeas were: Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Romano, Rucker, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Azinger, Roberts, and Smith—3.

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. 312) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Romano, Rucker, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Azinger, Roberts, and Smith—3.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 312) takes effect from passage.

*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 419**, Establishing pilot project to evaluate impact of certain post-substance use disorder residential treatments.



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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 419) 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 533**, Relating to funding for health sciences and medical schools in state.

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 533 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 533) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2022.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 533) takes effect July 1, 2022.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 540**, Allowing municipal fire departments provide retirees with service weapon in certain circumstances.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 540) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 540) 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 546**, Expanding uses of fees paid by students at higher education institutions.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Beach—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 546) 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 550**, Relating to funding for higher education institutions.

On third reading, coming up in regular order, with the right having been granted on yesterday, Wednesday, February 9, 2022, for amendments to be received on third reading, was read a third time.

On motion of Senator Rucker, the following amendment to the bill was reported by the Clerk:

On page four, section one-f, line sixty-six, by changing the colon to a period and striking out the proviso.

The question being on the adoption of Senator Rucker's amendment to the bill, the same was put and did not prevail.

Senator Beach moved that the Senate reconsider the vote by which it immediately hereinbefore rejected Senator Rucker's amendment to the bill, and on this question, Senator Beach demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Brown, Caputo, Geffert, Karnes, Martin, Plymale, Romano, Rucker, Stollings, and Woelfel—12.

The nays were: Azinger, Boley, Clements, Grady, Hamilton, Jeffries, Lindsay, Maroney, Maynard, Nelson, Phillips, Roberts, Smith, Stover, 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 Beach's reconsideration motion had not prevailed.

Thereafter, Engrossed Committee Substitute for Senate Bill 550 was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Brown, Caputo, Clements, Geffert, Hamilton, Jeffries, Lindsay, Maroney, Maynard, Nelson, Phillips, Plymale, Roberts, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Baldwin, Grady, Karnes, Martin, Romano, and Rucker—6.

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. 550) 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 576**, Relating to unemployment insurance and COVID-19 vaccination requirement.

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 Senate Bill 576 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Jeffries, Karnes, Lindsay, Martin, Maynard, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: Hamilton, Maroney, Nelson, Trump, and Weld—5.

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. 576) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for House Bill 3220**, Restrictions on Taxpayer funded lobbying.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3220) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 3220**—A Bill to amend and reenact §6B-3-10 of the Code of West Virginia, 1931, as amended, relating to required disclosure of information from state agencies, municipalities, counties, or school districts that have contracted for lobbying services; requiring certain information relating to, and

copy of, lobbying contract be furnished to Ethics Commission; mandating annual reporting of information to Ethics Commission relating to lobbying activity pursuant to contract; and establishing effective date.

Senator Takubo moved that the bill take effect July 1, 2022.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3220) takes effect July 1, 2022.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for House Bill 4074**, Require schools provide eating disorder and self-harm training for teacher and students.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 4074 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Brown—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4074) passed.

The following amendment to the title of the bill, from the Committee on Education, was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 4074**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-40a, all relating to providing education on and prevention of self-harm behavior and eating disorders in public schools; naming the section "Meghan's Law"; requiring the state board to promulgate a legislative rule to establish training requirements for certain county board employees and volunteers on students' self-harm behaviors and eating disorders; setting forth criteria for said rule; requiring middle school and high school students at least once per academic school year receive information regarding self-harm and eating disorders signs, prevention and treatment; specifying allowable sources of the information; and allowing the promulgation of state board rules to facilitate student education process and develop resources.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for House Bill 4276**, WVU to create a Parkinson's disease registry.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 4276 pass?"



On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4276) passed.

The following amendment to the title of the bill, from the Committee on Health and Human Resources, was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 4276**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5DD-1, relating to the collection of data relating to Parkinson's Disease; defining terms; creating a Parkinson's disease registry; providing a notice requirement; allowing for West Virginia University to enter into agreements regarding this data collection; establishing an advisory committee; providing that confidential data shall not be disclosed; and allowing for the maintaining of certain records.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4276) takes effect from passage.

*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 25**, Updating provisions of Medical Professional Liability Act.

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 505**, Updating laws on licensure and regulation of money transmitters.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Azinger, the following amendment to the bill was reported by the Clerk and adopted:

On page six, section one, after line one hundred twenty-one, by inserting a new subsection, designated subsection (11), to read as follows:

~~(11) "Principal" means a licensee's owner, president, senior officer responsible for the licensee's business, chief financial officer or any other person who performs similar functions or who otherwise controls the conduct of the affairs of a licensee. A person controlling ten percent or more of the voting stock of any corporate applicant is a principal under this provision.~~

The bill (Com. Sub. for S. B. 505), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 515**, Supplementing and amending appropriations of public moneys to Department of Administration, Public Defender Services.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 517**, Expiring funds from unappropriated balance in State Excess Lottery Revenue Fund.

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 520**, Increasing financial penalties for ransomware attacks.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 525**, Expiring funds from unappropriated balance in Lottery Net Profits.

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 476**, Relating to imposition of minimum severance tax on coal.

**Senate Bill 478**, Relating to Neighborhood Investment Program.

**Com. Sub. for Senate Bill 508**, Requiring certain attire for deer hunters with muzzleloaders.

**Com. Sub. for Senate Bill 509**, Relating to county BOE employee personal leave.

**Senate Bill 526**, Supplementing and amending appropriations to Department of Commerce, Office of Secretary.

**Senate Bill 527**, Supplementing and amending appropriations to Department of Administration, Office of Technology.

**Com. Sub. for Senate Bill 528**, Supplementing and amending appropriations to DHHR, Consolidated Medical Services Fund.

**Com. Sub. for Senate Bill 537**, Providing additional firefighters and security guards for National Guard.

**Com. Sub. for Senate Bill 560**, Defining Class 2 e-bikes.

And,

**Eng. House Bill 4024**, Creating a cosmetology apprentice program that allows companies to train employees for practical real-world experience.

The Senate proceeded to the eleventh order of business and the introduction of guests.

The Senate then 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 9, 2022:

**Com. Sub. for Senate Bill 25**: Senator Stollings.

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 9, 2022:

**Senate Bill 33**: Senator Rucker;

**Com. Sub. for Senate Bill 51**: Senator Caputo;

**Senate Bill 64**: Senator Nelson;

**Senate Bill 561**: Senator Rucker;

**Senate Bill 588**: Senators Plymale and Woodrum;

**Senate Bill 590**: Senator Plymale;

**Senate Bill 593:** Senator Woodrum;

**Senate Bill 599:** Senator Rucker;

**Senate Bill 604:** Senators Rucker, Plymale, and Martin;

**Senate Bill 605:** Senator Rucker;

**Senate Bill 606:** Senator Plymale;

And,

**Senate Bill 607:** Senator Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:29 p.m., the Senate adjourned until tomorrow, Friday, February 11, 2022, at 9 a.m.

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## FRIDAY, FEBRUARY 11, 2022

The Senate met at 9 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Randy E. Smith, a senator from the fourteenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Bill Hamilton, a senator from the eleventh district.

Pending the reading of the Journal of Thursday, February 10, 2022,

At the request of Senator Smith, 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 4032**—A Bill to amend and reenact §61-8D-3 and §61-8D-4 of the Code of West Virginia, 1931, as amended, all relating to modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse resulting in injury and child abuse or neglect creating risk of injury; providing that a prior conviction under this section subjects a person to increased penalties; and providing a definition for a prior conviction.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 4062**, Removing the residency requirement for the Commissioner of the Division of Highways.

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 4098**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-33-1, §22-33-2, §22-33-3, §22-33-4, §22-33-5, §22-33-6, §22-33-7, §22-33-8, and §22-33-9, all relating to geothermal energy development; defining terms; applying the article to geothermal resources at temperatures above a minimum temperature and a minimum volumetric flow rate as set forth by the Department of Environmental Protection; excepting heat pump systems for private residential dwellings and farm buildings; clarifying and designating ownership rights to geothermal

resources; providing findings and declaring geothermal resources as neither mineral nor water; defining the powers, duties, and limitations of the department; providing for rule making authority by the department; establishing permitting authority; setting parameters and parameter review and revisions; providing for waste disposal and reinjection of spent fluids; providing for plugging and reclamation; providing for cancellation or rejection of permits by the department under certain circumstances; providing for civil penalties and injunctions for violations of law, rules, or permits; assigning judicial jurisdiction for review; and establishing judicial relief.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on the Judiciary.

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 4297**—A Bill to amend and reenact §9-6-8 of the Code of West Virginia, 1931, as amended, relating to the coordination of efforts and sharing of information between the Department of Health and Human Resources and the State Auditor's Office for the purpose of conducting investigations of financial exploitation of a vulnerable adult.

Referred to the Committee on the Judiciary.

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. House Bill 4522**—A Bill to amend and reenact §61-11-25 of the Code of West Virginia, 1931, as amended, relating to expungement of criminal records; making expungement of records for certain defendants acquitted of all criminal charges or against whom charges were dismissed with prejudice eligible for expungement without any action by the person; providing for a petition for expungement of persons not eligible for expungement without action by the person; providing for a petition for

expungement of persons charged with a felony offense no sooner than one year after the person is held to answer in circuit court without an indictment or information having been returned or filed; clarifying that persons found not guilty by reason of mental illness, mental retardation or addiction are exempt from the provisions of the section; and clarifying that persons with prior felony convictions are not eligible for expungement.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of the following resolutions:

**House Concurrent Resolution 6**—Requesting the Division of Highways name a portion of U.S. Route 219, in Monroe County, beginning at its intersection with WV Route 122 and ending at its intersection with County Route 219/16, the "Elmer Galford Memorial Road".

**House Concurrent Resolution 8**—Requesting the Division of Highways name a portion of County Route 19/1, Ballangee Road, from its intersection with County Route 17/1, known as War Ridge Road, to its intersection with County Route 19/3, known as Big Stony Creek Road, in Summers County, the "U.S. Army PVT Lomer Elmo Davis Memorial Road".

**House Concurrent Resolution 10**—Requesting the Division of Highways name a portion of US Route 250, beginning at mile marker 31.35, and ending at its intersection with WV 2, mile marker 31.63, in Marshall County, the "U. S. Marine Corps LCpl Leonard Joe Zelaski, Jr. Memorial Road".

**House Concurrent Resolution 16**—Requesting the Division of Highways name bridge number: 25-001/00-010.40 (25A004), (39.53091, -80.34410) locally known as Mannington Arch, carrying CR 1 over Pyles Fork in Marion County, the "WW II Veterans Toothman Brothers Memorial Bridge".



**House Concurrent Resolution 17**—Requesting the Division of Highways name bridge number 18-021/22-000.49 () (18A245), locally known as Sycamore Creek Bridge #1, carrying County Route 21/22 over Sycamore Creek in Jackson County, the "U.S. Army CWO3 Daniel Okey Cunningham Memorial Bridge".

**House Concurrent Resolution 28**—Requesting the Division of Highways name Bridge Number: 04-04-17.86(04A012), (38.675115,80.77095) locally known as Upper Gassaway Bridge, carrying WV 4 over the Elk River in Braxton county, the "U.S. Army Captain Billy Jake Smith Memorial Bridge".

**House Concurrent Resolution 30**—Requesting the Division of Highways name a bridge bearing bridge number 40-039/00-000.10 () (40A048), (38.34513,-81.99779), locally known as TRACE FORK TIMBER BRIDGE, carrying CR 39 over TRACE CREEK in Putnam county as the "U.S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge".

**House Concurrent Resolution 34**—Requesting the Division of Highways name bridge number 04-019/26-008.08 () (04A166) locally known as the Lower Exchange BXBM, carrying County Route 19/26 over Perkins Fork of Cedar Creek in Braxton County, the "U.S. Navy Seaman 1st Class Byrne Lee Singleton Memorial Bridge".

**House Concurrent Resolution 37**—Requesting the Division of Highways name bridge number 04-035/02-003.09 () (04A196) locally known as the Hyers Run Plate Girder, carrying County Route 35/2 over Little Kanawha River in Braxton County, the "U. S. Army Corporal Charles William "Bill" Knight Memorial Bridge".

**House Concurrent Resolution 38**—Requesting the Division of Highways name a bridge bearing bridge number 23-44-9.12 on Route 44 in Logan County, West Virginia, the "Warrant Officer Dale Shaheen and U. S. Army Pvt George H. Hooker Memorial Bridge".

**House Concurrent Resolution 40**—Requesting the Division of Highways name bridge number 22-007/00-021.18 (22A153), (38.22218, -82.11335) locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the "USMC Cpl Guy Maywood Edwards Memorial Bridge".

The preceding resolutions were referred to the Committee on Transportation and Infrastructure.

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 21**, Relating to school aid formula and minimum student enrollment.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 21** (originating in the Committee on Education)—A Bill to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, relating to the school aid formula; and establishing a minimum net enrollment of 1,200 students for each county.

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,

Patricia Puertas Rucker,  
*Chair.*

The bill (Com. Sub. for S. B. 21), under the original double committee reference, was then referred to the Committee on Finance.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 86**, Creating criminal offense of sexual extortion.

And,

**Senate Bill 442**, Relating to WV Public Employee Retirement System.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 146**, Relating to interpretations of school laws.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 146** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §18-3-6 of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education, county superintendents, employees of county boards of education, and the West Virginia Public Employees' Grievance Board to give substantial deference to the State Superintendent's interpretations of school law or State Board of Education rules; and providing exceptions to substantial deference requirement.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 415**, Capping severance tax collections in general revenue at specified percentage.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 415** (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-20b, relating to severance taxes; capping severance tax collections in general revenue at a specified percentage and dedicating any excess above the specified percentage to a special revenue account; creating a special revenue account; setting out the purpose of the account and use of funds therein; setting an effective date; and providing for administration of the account.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 443**, Including police and firefighter as electors of trustees for certain pension funds.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 443** (originating in the Committee on Finance)—A Bill to amend and reenact §8-22-18 of the Code of West Virginia, 1931, as amended, relating to including retired police officers or firefighters as electors of trustees for pension and relief funds.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 522**, Combining offices of WV State Americans with Disabilities Act and WV Equal Employment Opportunity.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 522** (originating in the Committee on Government Organization)—A Bill to amend and reenact §5A-1-11 of the Code of West Virginia, 1931, as amended, relating to combining the offices of the West Virginia State Americans with Disabilities Act Office and the West Virginia Equal Employment Opportunity Office within the Department of Administration; creating the position of State Equal Opportunity Coordinator; establishing qualifications for the position; setting forth how the State Equal Opportunity Coordinator is selected; outlining scope of

responsibilities; removing the fee for service model and associated fund; and making other technical changes.

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. 522), under the original double committee reference, was then referred to the Committee on Finance.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 524**, Placing duties and functions of certain boards and commissions under Department of Arts, Culture, and History.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 524** (originating in the Committee on Government Organization)—A Bill to repeal §10-1-12, §10-1-13, §10-1-14, §10-1-14a, §10-1-15, §10-1-16, §10-1-17, §10-1-18, §10-1-18a, §10-1-19, §10-1-20, §10-1-21, §10-1-22, §10-1-23, and §10-1-24 of the Code of West Virginia, 1931, as amended; to repeal §29-27-1, §29-27-2, §29-27-3, §29-27-4, §29-27-5, and §29-27-6 of said code; to amend and reenact §5F-2-1 of said code; to amend and reenact §29-1-1 of said code; and to amend said code by adding thereto two new sections, designated §29-1-8c and §29-1-8d, all relating to placing the duties and functions of certain boards and commissions under the Department of Arts, Culture, and History; repealing certain sections related to the powers and authority of the State Library Commission; creating a state library

section in the Department of Arts, Culture, and History; amending the makeup of the State Library Commission; providing for appointment of state library section director; establishing powers and duties of the state library section; providing for powers and duties of State Library Commission; creating National Coal Heritage Area Commission; providing for makeup of National Coal Heritage Area Commission; setting forth powers and duties of National Coal Heritage Area Commission; and repealing article related to National Coal Heritage Area Authority.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 542**, Transferring Broadband Enhancement Council from Department of Commerce to Department of Economic Development.

And,

**Senate Bill 570**, Establishing training for law-enforcement in handling individuals with Alzheimer's and dementias.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 574**, Relating to WV PEIA.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 574** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §5-16-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto by adding a new section, designated §5-16-30, relating to the West Virginia Public Employees Insurance Act; reimbursement of hospital inpatient rates by the plan; and naming of funds within the Public Employees Insurance Agency.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,  
*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 591**, Relating to process for filling vacancies in state Legislature.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,  
*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 Maynard:**

**Senate Bill 617**—A Bill to amend and reenact §5-6-11a of the Code of West Virginia, 1931, as amended; to amend and reenact §5-11-5 of said code; to amend and reenact §5A-8-15 of said code; to amend and reenact §5B-2I-7 of said code; to amend and reenact §6C-3-1 of said code; to amend and reenact §10-1-12 of said code; to amend and reenact §11-13J-4a of said code; to amend and reenact §16-4C-5 of said code; to amend and reenact §16-5Z-2 of said code; to amend and reenact §16-52-3 of said code; to amend and reenact §17-4A-3 of said code; to amend and reenact §17-16A-3 of said code; to amend and reenact §17-16B-2 of said code; to amend and reenact §17-16C-4 of said code; to amend and reenact §18-2-1 of said code; to amend and reenact §18-11-1 of said code; to amend and reenact §18B-1B-2 of said code; to amend and reenact §22C-3-4 of said code; to amend and reenact §29-21-3b of said code; to amend §29-22-4 of said code; to amend and reenact §30-38-6 of said code; to amend and reenact §30-42-4 of said code; and to amend and reenact §31G-1-3 of said code, all relating to qualifications for members of boards, commissions, and other entities; reducing number of members of board of directors of nonprofit corporation operating and maintaining Clay Center for the Arts; revising qualifications for members of Human Rights Commission; establishing qualifications for members of Records Management and Preservation Board; revising qualifications for membership on Tourism Advisory Council; updating number of members of Public Employees Grievance Board who may be appointed from each congressional district; establishing number of members of Library Commission who are appointed from each congressional district; revising number of members of Neighborhood Investment Program Advisory Board from each congressional district; revising number of members of Emergency Medical Services Advisory Council appointed from any one congressional district; modifying requirements for membership on

Coalition for Diabetes Management; establishing requirements for members of Coalition for Chronic Pain Management; revising membership of Complete Streets Advisory Board; establishing number of appointed members of Parkways Authority and recognizing reduction in number of congressional districts; altering composition of membership of Public Port Authority; establishing qualifications for appointed members of Public Transit Advisory Council; revising qualifications for appointment to West Virginia Board of Education; revising requirements for appointed members of Board of Governors; Altering composition of Higher Education Policy Commission; making technical changes to qualifications for appointment to Solid Waste Management Board; modifying membership of Indigent Defense Commission; providing for qualifications for appointment to State Lottery Commission; revising qualifications for appointment to Real Estate Appraiser Licensing and Certification Board; revising qualifications for appointment to Contractor Licensing Board; and establishing qualifications for membership on Broadband Enhancement Council.

Referred to the Committee on Government Organization.

**By Senators Maynard, Caputo, and Stover:**

**Senate Bill 618**—A Bill to amend and reenact §8A-1-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8A-7-3 of said code, all relating to zoning requirements for exempt wholesale generators; providing for the definition of "exempt wholesale generator"; and, providing that exempt wholesale generators are a permitted use in any zoning district.

Referred to the Committee on Government Organization.

**By Senators Maynard and Baldwin:**

**Senate Bill 619**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-12-16, relating to the Office of the Chief Medical Examiner, providing for the final disposition of unidentified and unclaimed remains in the possession of the Office of the Chief Medical Examiner pursuant to legislative rule; and providing for emergency

legislative rulemaking allowing for the final disposition of unidentified and unclaimed remains.

Referred to the Committee on Government Organization.

**By Senator Stollings:**

**Senate Bill 620**—A Bill to amend and reenact §9-5-12a of the Code of West Virginia, 1931, as amended, relating to increasing the maximum dental coverage for Medicaid recipients from \$1,000 to \$1,500.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senators Baldwin, Beach, Brown, Caputo, Geffert, Jeffries, Lindsay, Plymale, Romano, Stollings, and Woelfel:**

**Senate Bill 621**—A Bill amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating generally to the funds for operations of jails; establishing a pro rata allotment of jail capacity by county; and creating an incentive-based model for counties which confine less than or equal to the amount of individuals.

Referred to the Committee on Finance.

Senator Maroney offered the following resolution:

**Senate Resolution 25**—Designating February 14, 2022, as National Donor Day.

Whereas, The State of West Virginia recognizes February 14, 2022, as National Donor Day, a day to celebrate those who save and heal lives as organ, tissue, and cornea donors; and

Whereas, The State of West Virginia recognizes Cecil F. Lockhart of Welch, West Virginia. Cecil F. Lockhart, who was a World War II veteran, became the oldest organ donor in United States history when, at age 95, he donated his liver after his death in May 2021 to a woman in her 60s, saving her life; and

Whereas, More than 100,000 individuals in the United States, including 500 West Virginians, are currently awaiting a life-saving organ transplant; and

Whereas, Every 10 minutes a person is added to the national transplant registry waiting list. On average, 20 people in the United States die each day because the needed organ is not donated in time; and

Whereas, One organ donor can save the lives of eight people and heal 75 others; and

Whereas, West Virginia encourages all residents to register as an organ, tissue, and cornea donor online at registerme.org or at their local West Virginia DMV offices or on their West Virginia hunting and fishing license application; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 14, 2022, as National Donor Day; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the family of Cecil F. Lockhart.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 44**, Clarifying 1972 Equal Rights Amendment.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Rucker, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Senate Resolution 22**, Commemorating 250th anniversary of Berkeley County.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the resolution was referred to the Committee on Rules.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 25**, Updating provisions of Medical Professional Liability 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 25 pass?"

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—25.

The nays were: Baldwin, Beach, Brown, Caputo, Jeffries, Lindsay, and Stollings—7.

Absent: Geffert and Romano—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. 25) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Woelfel, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

**Eng. Com. Sub. for Senate Bill 505**, Updating laws on licensure and regulation of money transmitters.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Senators Trump and Nelson, respectively, requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Trump and Nelson would be as members of a class of persons and that they would be required to vote.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Romano—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 505) 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 515**, Supplementing and amending appropriations of public moneys to Department of Administration, Public Defender Services.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Romano—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 515) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Romano—1.

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. 515) 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 517**, Expiring funds from unappropriated balance in State Excess Lottery Revenue Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Romano—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 517) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Romano—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 517) takes effect from passage.

*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 520**, Increasing financial penalties for ransomware attacks.



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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Romano—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 520) 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 525**, Expiring funds from unappropriated balance in Lottery Net Profits.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Romano—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 525) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Romano—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 525) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Lindsay, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 476**, Relating to imposition of minimum severance tax on coal.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 478**, Relating to Neighborhood Investment Program.

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 508**, Requiring certain attire for deer hunters with muzzleloaders.

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 509**, Relating to county BOE employee personal leave.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Rucker, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page one, section ten, line ten, by striking out the word "or";

And,

On page one, section ten, line eleven, after the word "child," by inserting the words "maternity leave,".

The bill (Com. Sub. for S. B. 509), as amended, was then ordered to engrossment and third reading.

**Senate Bill 526**, Supplementing and amending appropriations to Department of Commerce, Office of Secretary.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 527**, Supplementing and amending appropriations to Department of Administration, Office of Technology.

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 528**, Supplementing and amending appropriations to DHHR, Consolidated Medical Services Fund.

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 537**, Providing additional firefighters and security guards for National Guard.

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 560**, Defining Class 2 e-bikes.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Plymale, the following amendment to the bill was reported by the Clerk:

On page two, section eight, line twenty-six, after the words "single-use trails" by changing the period to a colon and inserting the following proviso: *Provided*, That the provisions of this subsection are not applicable to a bicycle path, multiuse trail, or single use trail if the municipality, local authority, or governing body of a state agency that has jurisdiction over the bicycle path, multiuse trail, or single use trail prohibits that operation.

Following discussion,

At the request of Senator Plymale, and by unanimous consent, Senator Plymale's amendment to the bill was withdrawn.

Thereafter, at the further request of Senator Plymale, unanimous consent being granted, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

**Eng. House Bill 4024**, Creating a cosmetology apprentice program that allows companies to train employees for practical real-world experience.

On second reading, coming up in regular order, was read a second time and ordered to 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 33**, Protecting consumers against businesses using automatic renewals without consent.

**Com. Sub. for Senate Bill 330**, Authorizing DOT to promulgate legislative rules.

**Senate Bill 531**, Increasing annual salaries of certain state employees.

**Senate Bill 532**, Requiring reports to Joint Committee on Pensions and Retirement every five years on deferred retirement option plans.

**Eng. House Bill 4097**, To prohibit nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission.

And,

**Eng. House Bill 4312**, Extending the option of electronic absentee ballot transmission to first responders in certain emergency circumstances.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Jeffries, Brown, Geffert, Trump, Plymale, and Hamilton.

Thereafter, at the request of Senator Lindsay, and by unanimous consent, the remarks by Senators Jeffries and Brown were ordered printed in the Appendix to the Journal.

At the request of Senator Takubo, and by unanimous consent, the remarks by Senator Trump were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Senator Smith called attention to today being the birthday of Jacque Bland, Director of Communications for the West Virginia Senate, and on behalf of the Senate extended felicitations and good wishes to Jacque Bland.

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 10, 2022:

**Senate Bill 592:** Senator Roberts.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills on February 10, 2022:

**Senate Bill 21:** Senator Plymale;

**Senate Bill 133:** Senator Caputo;

**Senate Bill 144:** Senator Smith;

**Senate Bill 413:** Senator Smith;

**Senate Bill 415:** Senator Stollings;

**Senate Bill 421:** Senator Lindsay;

**Senate Bill 432:** Senator Smith;

**Senate Bill 513:** Senator Caputo;

**Com. Sub. for Senate Bill 543:** Senator Smith;

**Senate Bill 557:** Senator Smith;

**Senate Bill 570:** Senator Nelson;

**Senate Bill 593:** Senator Takubo;

**Senate Bill 604:** Senator Smith;

**Senate Bill 605:** Senator Smith;

**Senate Bill 607:** Senator Takubo;

**Senate Bill 608:** Senator Romano;

**Senate Bill 613:** Senator Stollings;

And,

**Senate Bill 614:** Senators Lindsay, Baldwin, and Romano.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Takubo, at 10:09 a.m., the Senate adjourned until Monday, February 14, 2022, at 11 a.m.

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## MONDAY, FEBRUARY 14, 2022

The Senate met at 11:01 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Pastor Bill Tanzey, New Horizons Church, South Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Patrick S. Martin, a senator from the twelfth district.

Pending the reading of the Journal of Friday, February 11, 2022,

At the request of Senator Maroney, 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:

Corrections and Rehabilitation, Division of (§5-1-20)

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

**Eng. Com. Sub. for Senate Bill 279**, Authorizing DEP to promulgate legislative rules.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

**Eng. Senate Bill 450**, Updating definitions of WV Personal Income Tax Act.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page 1, section 9, line 19, following the word "year" by striking "2021" and inserting in lieu thereof "2022".

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill 450, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Stollings, Stover,



Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Beach and Smith—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 450) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Beach and Smith—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 450) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

**Eng. Senate Bill 451**, Updating definitions of WV Corporation Net Income Tax Act.

At the request of Senator Clements, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate again 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. House Bill 4007**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-4g; to amend and reenact §11B-2-20 of said code; and to amend said code by adding thereto a new section, designated §11B-2-33, all relating to reducing personal income tax rates generally; reducing rates by certain amounts after December 31, 2022; creating stabilization and future economic reform fund from which expenditures may be made only upon appropriation of the Legislature and solely for the purpose of reducing the rates of personal income tax in accordance with this and future Acts of the Legislature; and directing the secretary of revenue to annually cause to be deposited into the stabilization and future economic reform fund the first 50 percent of all surplus revenues, if any, determined to have accrued during the fiscal year just ended instead of directing the secretary of revenue to annually of causing those surplus revenues to be deposited into the revenue shortfall reserve fund.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 4074**, Require schools provide eating disorder and self-harm training for teacher and students.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4114**—A Bill to amend and reenact §64-2-1 et. seq. of the Code of West Virginia, 1931, as amended, all relating generally, to authorizing certain agencies of the Department of Administration to promulgate legislative rules;

authorizing the rules as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Ethics Commission to promulgate a legislative rule relating to use of office for private gain, including nepotism; authorizing the Division of Personnel to promulgate a legislative rule relating to the Administrative rule of the West Virginia Division of Personnel; authorizing the Office of Technology to promulgate a legislative rule relating to the Chief Information Officer review; and authorizing the Office of Technology to promulgate a legislative rule relating to cyber reporting.

Referred to the Committee on the Judiciary.

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 4295**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-20b; to amend and reenact §33-2-23 of said code; and to amend and reenact §33-3-14 and §33-3-14a of said code, all relating to the State Office of the National Flood Insurance Program; transferring the State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of Emergency Management; authorizing the director of the Division of Emergency Management to employ staff for the State Office of the National Flood Insurance Program; providing that state-owned property in any nonparticipating community shall be governed by appropriate rules promulgated by the Division of Emergency Management; requiring the State Office of the National Flood Insurance Program and floodplain managers to develop a strategic plan to meet goals and objectives, which plan shall be reviewed and approved by the State Resiliency Officer and State Resiliency Board; requiring the State Office of the National Flood Insurance Program to establish floodplain management guidelines in special hazard areas which are in conformity with federal regulations; providing the State Office of the National Flood Insurance Program shall cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties; transferring the assets of the

State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of Emergency Management; and requiring the state treasurer to distribute funds from the flood insurance tax fund to finance the operations and responsibilities of the State Office of the National Flood Insurance Program.

Referred to the Committee on Banking and Insurance; and then to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4420**—A Bill to amend and reenact §18A-2-4 of the Code of West Virginia, 1931, as amended, relating to eligibility requirements of school bus operators diagnosed with diabetes mellitus requiring insulin; providing that the eligibility requirements are also applicable to a school bus operator candidate; clarifying that the operator must also be issued a school bus endorsement for his or her commercial driver's license; and specifying that the school bus operator must remain in compliance with the eligibility stipulations and grounds as per applicable state and federal rules.

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. House Bill 4438**—A Bill to amend and reenact §3-4A-9 of the Code of West Virginia, 1931, as amended, relating to requiring electronic voting systems to be independent and nonnetworked with no component connected to the internet.

Referred to the Committee on the Judiciary.

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. House Bill 4517**—A Bill to repeal §61-8E-1, §61-8E-2, and §61-8E-3 of the Code of West Virginia, 1931, as amended, all relating to the repealing requirements to display video ratings.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4535**—A Bill to repeal §18-8-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17B-2-3a of said code, all relating to motor vehicle licensing; removing school attendance and satisfactory progress as a condition of motor vehicle licensing; and modifying the compliance requirements for a graduated driver's license.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 23**—Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 14th day of February, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(S. B. 436), Correcting code citation for authority of State Fire Marshal.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Dean Jeffries,  
*Chair, House Committee.*

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 Bills 371, 375, and 384**, Board of Medicine rule relating to telehealth and interstate telehealth registration for physicians, podiatric physicians, and physician assistants.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 371** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-9-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain miscellaneous agencies and boards to promulgate legislative rules; authorizing the rules, as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; relating to authorizing the Board of Medicine to promulgate a legislative rule relating to telehealth and interstate telehealth registration for physicians, podiatric physicians, and physician assistants; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to telehealth practice and interstate telehealth registration for osteopathic physicians and physician assistants; and authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to telehealth practice.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Eng. Com. Sub. for House Bill 3312**, Establishing a memorial to child labor and child workers who died in the course of employment in this state.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. House Bill 4308**, Authorizing disclosure of juvenile information to Crime Victims Compensation Fund for investigation and award of benefits.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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 Smith and Phillips:**

**Senate Bill 622**—A Bill to amend and reenact §22-11A-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §22-11B-1, §22-11B-2, §22-11B-3, §22-11B-4, §22-11B-5, §22-11B-6, §22-11B-7, §22-11B-8, §22-11B-9, §22-11B-10, §22-11B-11, §22-11B-12, §22-11B-13, §22-11B-14, §22-11B-15, §22-11B-16, §22-11B-17, §22-11B-18, and §22-11B-19, all relating to regulating the drilling of injection wells for, and the operation and completion of, underground carbon dioxide storage sites; declaring legislative purpose; defining terms; specifying scope of former program; establishing requirement for permit; providing option for holders of pre-existing permits to pursue permit modifications under prior or new law; specifying application requirements and fees; clarifying that these provisions apply only to underground carbon dioxide sequestration operations and facilities; directing the proposal of legislative rules for permit applications, providing for public notice, participation, and permit hearings; authorizing the proposal of legislative rules for additional purposes to implement this act; authorizing additional conditions in permits and orders; preserving other existing powers of the secretary; preserving rights of existing mineral owners and authorizing cooperative agreements among owners and operators; declaring that carbon dioxide injected into an underground storage facility is not a pollutant; requiring permit holders to provide and update identification and contact information for a local agent; affirming exclusion of enhanced oil, natural gas, or coalbed methane recovery projects using carbon dioxide injection from requirement of underground carbon dioxide storage permit; specifying requirements for completion of an underground carbon dioxide storage project; directing transfer of ownership to surface owners upon completion of project; providing for liability to transfer to the state; establishing state responsibility for maintenance and monitoring after project completion; establishing the Carbon Dioxide Storage Facility Administrative Fund and the Carbon Dioxide Storage



Facility Trust Fund as special revenue accounts and describing the authorized purposes and uses of fund moneys; providing a process for completion of underground carbon dioxide storage projects; requiring annual fees for underground storage or carbon dioxide and a fee to apply for a project completion certificate; providing for cooperative agreements between the Department of Environmental Protection and other government entities for enforcement and regulatory activities; limiting state liability; authorizing the Secretary of the Department of Environmental Protection to make determinations of the amount of carbon dioxide able to be sequestered at a location and to assess fees for that determination; specifying local filing requirements; defining ownership of pore space formations; authorizing entry onto lands to conduct seismic surveys; requiring permit applicants and storage facility operators to identify and obtain consent from potential pore space owners; providing for pooling of interests if the storage operator does not obtain consent of pore space owners for the construction and operation of a storage facility; providing for hearings to establish interests of pore space owners in ownership pools; and providing for assessment of hearing costs.

Referred to the Committee on Energy, Industry, and Mining.

**By Senators Baldwin, Beach, Brown, Caputo, Geffert, Hamilton, Jeffries, Lindsay, Maroney, Romano, Stollings, Takubo, and Weld:**

**Senate Bill 623**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-61-1, all related to creating a State Living Donor Protection Act; setting forth prohibited acts related to insurance coverage for living organ donors; authorizing enforcement by the Insurance Commissioner; and providing an effective date.

Referred to the Committee on Banking and Insurance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 624**—A Bill making a supplementary appropriation of public moneys out of the State Treasury from the balance of moneys remaining unappropriated for the fiscal year

ending June 30, 2022, to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund, fund 5163, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 625**—A Bill making a supplementary appropriation of public moneys out of the State Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health - The Vital Statistics Account, fund 5144, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 626**—A Bill supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Motor Vehicles, fund 9007, fiscal year 2022, organization 0802, for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 627**—A Bill supplementing, amending, and increasing an existing item of appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2022, organization 0803, for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 628**—A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2022, organization 0310, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 629**—A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Education, State Board of Education – Vocational Division, fund 0390, fiscal year 2022, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 630**—A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Higher Education Policy Commission, Higher Education Policy Commission – Administration – Control Account, fund 0589, fiscal year 2022, organization 0441, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 631**—A Bill to amend and reenact §18-7A-3 of the Code of West Virginia, 1931, as amended, relating to allowing the

West Virginia Professional Charter School Board to vote for its executive director and any other employees to participate in the teachers' retirement system; and making participation retroactive to the effective date of the employment of the board's first employee if the board votes to participate on or before September 1, 2022.

Referred to the Committee on Pensions.

**By Senator Tarr:**

**Senate Bill 632**—A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-4C-1, §16-4C-2, §16-4C-3, §16-4C-4, §16-4C-5, §16-4C-6, §16-4C-6a, §16-4C-6b, §16-4C-8, §16-4C-8a, §16-4C-9, §16-4C-10, §16-4C-12, §16-4C-13, §16-4C-14, §16-4C-15, §16-4C-16, §16-4C-17, §16-4C-18, §16-4C-20, §16-4C-21, §16-4C-23, and §16-4C-24 of said code; and to amend said code by adding thereto a new section, designated §16-4C-25, all relating to transferring the Office of Emergency Medical Services from the Department of Health and Human Resources to the Department of Homeland Security; providing for an effective date July 1, 2022; transferring all authorities, powers, funds, duties, and affiliated boards or commissions of the Office of Emergency Medical Services from the Office of Emergency Medical Services to the Department of Health and Human Resources; ensuring legislative rules remain in effect and transfer; transferring Office of Emergency Medical Services employees and director with same salary and benefits; making employees of the Office of Emergency Medical Services will and pleasure employees of the Secretary of the Department of Homeland Security; directing the Secretary of the Department of Homeland Security and the Commissioner of the Bureau For Public Health and the Secretary of Health and Human Resources to work with the Director of the Office of Emergency Medical Services to ensure smooth transition; and making technical corrections to recognize the transfer elsewhere in the code.

Referred to the Committee on Government Organization.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 633**—A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 634**—A Bill making a supplementary appropriation of public moneys out of the State Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations, fund 5156, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

Senator Baldwin offered the following resolution:

**Senate Concurrent Resolution 45**—Requesting the Division of Highways name a portion of County Road 17 Minden Road, beginning at 37.97910 and ending at -81.1302 and running from Oak Hill WV 16 to the community of Minden in Fayette County, the "U.S. Army CPL John D. Doyle, Sr. Memorial Road".

Whereas, John D. Doyle, Sr. was born on August 13, 1913, in Minden and raised in that community where he and his mother Katheryn Doyle were members of the Saints Peter and Paul Roman Catholic Church. He graduated from Collins High School in Oak

Hill and went to work at the New River and Pocahontas Coal Company in Minden; and

Whereas, Answering his nation's call, CPL John D. Doyle, Sr. entered military service on October 15, 1942. He was assigned to the Armor Corps where he was trained as a tank crewman. He was ultimately deployed to the European Theater of Operations and fought in the North Africa, Sicily, and Italy campaigns; and

Whereas, During the invasion of Italy CPL John D. Doyle, Sr. was assigned to Company A, 751st Tank Battalion which landed at Anzio. On May 23, 1944, during the breakout operations, CPL John D. Doyle, Sr. was killed in action at Vetino, Italy when his tank was severely damaged by enemy fire; and

Whereas, CPL John D. Doyle, Sr. was initially interred in an Allied Cemetery in Italy and later repatriated in 1949 to America and West Virginia where he lays to rest today at the High Lawn Memorial Park in Oak Hill; and

Whereas, It is fitting that an enduring memorial be established to commemorate CPL John D. Doyle Sr. and his ultimate sacrifice to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of County Road 17 Minden Road, beginning at 37.97910 and ending at -81.1302 and running from Oak Hill WV 16 to the community of Minden in Fayette County, the "U.S. Army CPL John D. Doyle, Sr. Memorial Road"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the "U.S. Army CPL John D. Doyle, Sr. Memorial Road"; 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 Blair (Mr. President) offered the following resolution:

**Senate Concurrent Resolution 46**—Supporting North Central West Virginia's aviation and aerospace industries as critical to the economy and further economic development of the State of West Virginia.

Whereas, The Mid-Atlantic Aerospace Complex in Bridgeport, West Virginia, along with the other aviation and aerospace companies located across the region, are a significant economic engine for North Central West Virginia and the surrounding region and have created thousands of good-paying jobs for West Virginians; and

Whereas, The Harrison County Commission and the Marion County Commission have worked collaboratively to support and promote the success and expansion of these industries in North Central West Virginia; and

Whereas, The Robert C. Byrd National Aerospace Education Center, a component of Fairmont State University, Pierpont Community, and Technical College, offers associate and bachelor's degree programs in aviation technology, creating the skilled labor force necessary to successfully manage the needs of these growing industries in West Virginia; and

Whereas, Aviation and aerospace programs are growing and increasing in West Virginia's institutions of higher education, including pilot training, aviation maintenance technician training, and aerospace and mechanical engineering programs; and

Whereas, Regardless of whether a West Virginia student wants to design an airplane, fly an airplane, or work on an airplane, all the training and jobs are right here in the state, and this highly trained and skilled workforce never has to leave West Virginia; and

Whereas, The North Central West Virginia Airport, and the businesses that call it home, have a total estimated annual regional

economic output of \$1.1 billion and is one of the largest employers in the region; and

Whereas, The continued growth of the aviation and aerospace industries in North Central West Virginia has resulted in the economic development of billions of dollars in this region of West Virginia; and

Whereas, North Central West Virginia's aviation and aerospace industries will continue to be integral to supporting economic development across the region and the state for years to come; and

Whereas, The United States Bureau of Labor Statistics projects overall employment of aircraft and avionics equipment mechanics and technicians is projected to grow 11 percent from 2020 to 2030, faster than the average for all occupations, and the aviation and aerospace industries in North Central West Virginia are on pace to meet or exceed those projections; and

Whereas, The North Central West Virginia Airport and the air service-related employment associated with it provides over 100 jobs with \$13.4 million in annual payroll; and

Whereas, The aviation and aerospace industries and their related businesses and educational components have a positive effect on multiple economic drivers, including tourism, hospitality, and industrial development; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby fully supports North Central West Virginia's aviation and aerospace industries and the post-secondary programs offered at the region's institutions of higher education as critical to West Virginia's successful economic future; and, be it

*Further Resolved,* That the Legislature recognizes the importance to the state's economy of the continued development of North Central West Virginia's aerospace and aviation industries, as well as the importance of the post-secondary programs offered in the region to the continued growth and success of those industries; and, be it



*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Harrison County Commission, the Marion County Commission, the Higher Education Policy Commission, the Benedum Airport Authority, and the Mid-Atlantic Aerospace Complex.

Which, under the rules, lies over one day.

Senator Grady offered the following resolution:

**Senate Resolution 26**—Designating the month of February, 2022, as Self-Care Awareness month.

Whereas, Self-care is the lifelong daily habit of healthy choices for overall wellness, including good hygiene practices, healthy diet, regular exercise, and personal health care for prevention, diagnosis, treatment, and management of infections, injuries, and illness, as well as knowing when to seek assistance from health care professionals; and

Whereas, Self-care is a cornerstone of helping to reduce the overall cost of health care in West Virginia and the country; and

Whereas, Self-care includes making responsible use of over the counter and prescription medications, dietary supplements, and medical devices; and

Whereas, The United States Food and Drug Administration deems over-the-counter medicine safe and effective for the self-care treatment of minor acute and chronic health conditions and symptoms such as pain, the common cold, and allergies, which impact large segments of the population; and

Whereas, According to an Information Resources, Inc. study, for every dollar spent on over-the-counter medicines, it saves more than \$7 for the health care system, resulting in more than \$146 billion in annual savings; and

Whereas, Over-the-counter medical devices like bandages, menstrual products, face masks, and at-home test kits, used for the

purposes of prevention, testing, and treatment are well-accepted cost saving elements of the health care system; and

Whereas, Consumption of vitamin and mineral supplements can fill critical nutrient gaps, particularly for lower income families that may experience food insecurities in West Virginia; and

Whereas, West Virginia benefits when its citizens practice appropriate self-care. They do not make unnecessary visits to health care professionals, thereby reducing the burden on the health care system, and are empowered by higher self-esteem, improved health, and overall wellness; and

Whereas, The availability of self-care can help improve personal and public health, save personal and public treasury, and strengthen the sustainability of the broader health care system; and

Whereas, Exemptions for over-the-counter medicines, dietary supplements, and consumer medical devices from sales taxes benefit West Virginia residents. When affordability of consumer health care products increases, more people will seek treatment for their ailments before they become more serious; therefore, be it

*Resolved by the Senate:*

That the Senate encourages consumers, health care practitioners, policymakers, and regulators to communicate the benefits of self-care by recognizing the month of February as Self-Care Awareness month; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to Mr. Sam Minardi.

Which, under the rules, lies over one day.

Senator Jeffries offered the following resolution:

**Senate Resolution 27**—Recognizing the West Virginia Kids Cancer Crusaders on International Childhood Cancer Awareness Day, for their dedication and commitment to fighting childhood cancer.

Whereas, February 15, 2022, is recognized as International Childhood Cancer Awareness Day; and

Whereas, The average age of a cancer diagnosis for children is six years old; and

Whereas, One out of every eight children who are diagnosed with cancer will not survive; and

Whereas, The average cost of a stay in a hospital for a child with cancer is \$40,000 per stay; and

Whereas, The West Virginia Kids Cancer Crusaders are a community of children, families, individuals, organizations, medical professionals, and caregivers with interest in creating awareness, advocating, and providing support and resources for all those West Virginians affected by young adult, adolescence, and childhood cancer; and

Whereas, The West Virginia Kids Cancer Crusaders bring awareness to their cause by declaring September Childhood Cancer Awareness Month, a time to honor and remember children and families affected by cancer, and help rally support to give kids with cancer better outcomes by supporting ground-breaking research; and

Whereas, The West Virginia Kids Cancer Crusaders advocate for their cause through the legislative process, working on legislation to benefit the childhood cancer community, including passage of Senate Bill 590, which passed the West Virginia Legislature in 2018, and created the Cure Childhood Cancer license plate; and

Whereas, The West Virginia Kids Cancer Crusaders partner with hospitals in the state through support of programs and provide gift cards for families; and

Whereas, Kelly Wymer is the co-founder of the West Virginia Kids Cancer Crusaders, the mother of a childhood cancer survivor, and has led the effort to unite and fight childhood cancer since 2014; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes the West Virginia Kids Cancer Crusaders on International Childhood Cancer Awareness Day, for their dedication and commitment to fighting childhood cancer; and, be it

*Further Resolved,* That the Senate extends its sincere gratitude and appreciation to the West Virginia Kids Cancer Crusaders for the compassionate work they do; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Kids Cancer Crusaders.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Resolution 25**, Designating February 14, 2022, as National Donor Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Maroney, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

The Senate then proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 476**, Relating to imposition of minimum severance tax on coal.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Stollings, Stover,

Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Beach and Smith—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. 476) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Beach and Smith—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. 476) 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 478**, Relating to Neighborhood Investment Program.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Stollings, Stover,

Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Beach and Smith—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 478) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Beach and Smith—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 478) takes effect from passage.

*Ordered,* That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

**Eng. House Bill 4301**, Reforming membership requirements of Huntington Park and Recreation District Board.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. House Bill 4301**—A Bill to amend and reenact section two, chapter 26, Acts of the Legislature, regular session, 1925 (municipal charters), as last amended by chapter 110, Acts of the Legislature, regular session 2003, relating to election of commissioners to Greater Huntington Park and Recreation District Board; providing for nonpartisan elections; modifying composition of board; modifying timing of elections; providing for number and composition of commissioners to be elected at primary election in 2022; providing for number and composition of commissioners to be elected at primary election in 2024; and providing for number and composition of commissioners to be elected at primary election in 2026.

Senator Takubo moved that the Senate refuse to concur in the foregoing House amendment to the Senate amendments to the bill (Eng. H. B. 4301) and request the House of Delegates to recede therefrom.

The question being on the adoption of Senator Takubo's aforesaid motion, and on this question, Senator Plymale demanded the yeas and nays.

Following discussion and a point of inquiry to the President, with resultant response thereto,

The roll being taken, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Takubo's aforesaid motion had prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate resumed consideration of the remainder of its third reading calendar, the next bill coming up in numerical sequence being

**Eng. Com. Sub. for Senate Bill 508**, Requiring certain attire for deer hunters with muzzleloaders.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 508) 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 509**, Relating to county BOE employee personal leave.



On third reading, coming up in regular order, was read a third time.

At the request of Senator Rucker, unanimous consent was granted to offer an amendment to the bill on third reading.

Thereupon, on motion of Senator Rucker, the following amendment to the bill was reported by the Clerk and adopted:

On page one, section ten, line eleven, by striking out the words "maternity leave" and inserting in lieu thereof the words "any reason for which an employee is entitled to leave under The Parental Leave Act as set forth in §21-5D-1 *et seq.* of this code or the Family and Medical Leave Act as set forth in §29 U.S.C. 2601 *et seq.*".

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 509 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 509 pass?"

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Karnes, Maroney, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—18.

The nays were: Baldwin, Brown, Caputo, Geffert, Grady, Hamilton, Jeffries, Lindsay, Martin, Maynard, Plymale, Romano, Stollings, Stover, and Woelfel—15.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 509) passed.

On motion of Senator Rucker, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for Senate Bill 509**—A Bill to amend and reenact §18A-4-10 of the Code of West Virginia, 1931, as amended, relating to providing that county board of education employee personal leave be accrued as earned throughout the employment term at the end of each pay period or on the last workday for separating employees; adding any reason for which an employee is entitled to leave under The Parental Leave Act or the Family and Medical Leave Act as one of the causes for which personal leave can be used; allowing a county superintendent to advance an employee a limited amount of personal leave during the employee's first year of employment in certain instances; and removing unnecessary language.

Senator Takubo moved that the bill take effect July 1, 2023.

On this question, the yeas were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Trump, Weld, Woodrum, and Blair (Mr. President)—23.

The nays were: Baldwin, Brown, Caputo, Geffert, Jeffries, Lindsay, Plymale, Romano, Tarr, and Woelfel—10.

Absent: Beach—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 509) takes effect July 1, 2023.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 526**, Supplementing and amending appropriations to Department of Commerce, Office of Secretary.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 526) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 526) 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 527**, Supplementing and amending appropriations to Department of Administration, Office of Technology.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 527) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 527) takes effect from passage.

*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 528**, Supplementing and amending appropriations to DHHR, Consolidated Medical Services Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 528) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 528) takes effect from passage.

*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 537**, Providing additional firefighters and security guards for National Guard.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 537) 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 560**, Defining Class 2 e-bikes.

On third reading, coming up in regular order, with the right having been granted on Friday, February 11, 2022, for amendments to be received on third reading, was read a third time.

There being no amendments offered,

Engrossed Committee Substitute for Senate Bill 560 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 560 pass?"

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—22.

The nays were: Baldwin, Brown, Caputo, Geffert, Hamilton, Jeffries, Lindsay, Plymale, Romano, Stover, and Woelfel—11.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 560) 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 4024**, Creating a cosmetology apprentice program that allows companies to train employees for practical real-world experience.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: Woelfel—1.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4024) 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.

**Com. Sub. for Senate Bill 33**, Protecting consumers against businesses using automatic renewals without consent.

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 330**, Authorizing DOT 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 531**, Increasing annual salaries of certain state employees.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

**Senate Bill 532**, Requiring reports to Joint Committee on Pensions and Retirement every five years on deferred retirement option plans.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Eng. House Bill 4097**, To prohibit nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 1A. STATE ELECTION COMMISSION AND SECRETARY OF STATE.**

**§3-1A-9. Nonpublic funding sources for election administration and related expenses.**



(a) No county commission, clerk of a county commission, municipal governing body, or other public official or body responsible for overseeing, administering, or regulating an election held within the State of West Virginia may directly receive or accept any gift, grant, contribution, or donation of money or anything of value for election administration and related expenses from any private individual, corporation, partnership, trust, or third party, and all such gifts, grants, contributions, or donations may only be accepted, received, expended, distributed, and utilized by the Secretary of State pursuant to the requirements of this section.

(b) There is created in the State Treasury a special revenue revolving fund account known as the Nonpublic Funding for Election Administration Fund which shall be an interest-bearing account. The fund shall consist of all monetary gifts, grants, contributions, and donations from private individuals, corporations, partnerships, trusts, or any third party for election administration and related expenses; and any accrued interest or other return on the monies in the fund. The balance remaining in the fund at the end of each fiscal year shall remain in the fund and not revert to the State General Revenue Fund.

(c) The monies in the Nonpublic Funding for Election Administration Fund shall be used only in the manner and for the purposes prescribed in this section. Notwithstanding any provision of law to the contrary, monies in the Nonpublic Funding for Election Administration Fund may not be designated or transferred for any purpose other than those set forth in this section.

(d) The monies in the Nonpublic Funding for Election Administration Fund shall be invested pursuant to §12-6-1 *et seq.* of this code.

(e) The Nonpublic Funding for Election Administration Fund shall be administered by the Secretary of State, with the approval of the State Election Commission, in accordance with legislative rules promulgated by the Secretary of State in accordance with §29A-3-1 *et seq.* of this code.

(f) All gifts, grants, contributions, or donations of tangible property or any non-monetary thing of value from private individuals, corporations, partnerships, trusts, or any third party for election administration and related expenses shall be accepted, distributed, and utilized by the Secretary of State, only with the approval of the State Election Commission, in accordance with legislative rules promulgated by the Secretary of State in accordance with §29A-3-1 et seq. of this code.

The bill (Eng. H. B. 4097), as amended, was then ordered to third reading.

**Eng. House Bill 4312**, Extending the option of electronic absentee ballot transmission to first responders in certain emergency circumstances.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

On page four, section five, line five, after the word "disability", by inserting the words, "or if the voter is a qualified first responder as defined in §3-3-1(c)(3) of this code".

The bill (Eng. H. B. 4312), as amended, was then ordered to 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 86**, Creating criminal offense of sexual extortion.

**Com. Sub. for Senate Bill 146**, Relating to interpretations of school laws.

**Com. Sub. for Senate Bill 415**, Capping severance tax collections in general revenue at specified percentage.

**Senate Bill 442**, Relating to WV Public Employee Retirement System.

**Com. Sub. for Senate Bill 443**, Including police and firefighter as electors of trustees for certain pension funds.

**Com. Sub. for Senate Bill 524**, Placing duties and functions of certain boards and commissions under Department of Arts, Culture, and History.

**Senate Bill 542**, Transferring Broadband Enhancement Council from Department of Commerce to Department of Economic Development.

**Senate Bill 570**, Establishing training for law-enforcement in handling individuals with Alzheimer's and dementias.

**Com. Sub. for Senate Bill 574**, Relating to WV PEIA.

And,

**Senate Bill 591**, Relating to process for filling vacancies in state Legislature.

Without objection, the Senate returned to the third order of business.

A message from the Clerk of the House of Delegates announced that body had receded from its title amendment and again amended the Senate amendments, passage as amended, with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

**Eng. House Bill 4301**, Reforming membership requirements of Huntington Park and Recreation District Board.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. House Bill 4301**—A Bill to amend and reenact section two, chapter 26, Acts of the Legislature, regular session, 1925 (municipal charters), as last amended by chapter 187, Acts of the Legislature, regular session 2011, relating to election of commissioners to Greater Huntington Park and Recreation District Board; providing for nonpartisan elections; modifying composition of board; modifying timing of elections; providing for number and composition of commissioners to be elected at primary election in 2022; providing for number and composition of commissioners to be elected at primary election in 2024; and providing for number and composition of commissioners to be elected at primary election in 2026.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendments to the bill.

Engrossed House Bill 4301, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4301) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4301) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Karnes, Sypolt, and Woelfel.

The Senate then 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 11, 2022:

**Senate Bill 19:** Senator Plymale;

**Com. Sub. for Senate Bill 86:** Senator Hamilton;

**Senate Bill 415:** Senator Nelson;

**Senate Bill 442:** Senator Hamilton;

**Senate Bill 443:** Senator Hamilton;

**Senate Bill 584:** Senator Grady;

**Senate Bill 589:** Senator Grady;

**Senate Bill 619:** Senator Stollings;

**Senate Bill 620:** Senator Caputo;

**Senate Joint Resolution 2:** Senator Stollings;

**Senate Joint Resolution 3:** Senator Stollings;

**Senate Joint Resolution 7:** Senator Grady;

And,

**Senate Resolution 25:** Senators Woelfel, Smith, Stollings, Hamilton, Plymale, Baldwin, Caputo, and Jeffries.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:07 p.m., the Senate adjourned until tomorrow, Tuesday, February 15, 2022, at 11 a.m.

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## TUESDAY, FEBRUARY 15, 2022

The Senate met at 11:01 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Pastor Matt Friend, Senior Pastor, Bible Center Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Eric Nelson, Jr., a senator from the seventeenth district.

Pending the reading of the Journal of Monday, February 14, 2022,

At the request of Senator Maynard, 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 2257**—A Bill to amend the Code of West Virginia, as amended, by adding thereto a new section, designated §62-12-30, relating to extended supervision for certain drug offenders; specifying that the section shall apply to a person with a second or subsequent conviction; establishing supervised release penalty of up to 10 years for certain drug offenders; establishing when period of supervised release begins; providing for supervision by multijudicial circuit probation officers; clarifying terms of supervised release same as those for probation; establishing a fee for supervised release; establishing that court may modify or revoke supervised release; providing court required probation officer provide written conditions; providing for supervised release following revocation; providing for delayed revocation.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 15**—Requesting the Division of Highways name bridge number 18-331/00-003.99 (18A126), locally known as Cottageville Arch (SCDA), carrying WV 331 over Mill Creek in Jackson county the "Thomas Brothers Memorial Bridge".

Referred to the Committee on Transportation and Infrastructure.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 58**—Recognizing February 14, 2022, as National Donor Day.

Referred to the Committee on Rules.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 59**—Requesting the Division of Highways name bridge number 29-093/00-003.42 (29A054), locally known as Claysville Bridge, carrying WV 93 over New Creek in Mineral County, the "Warrant Officer James Gilbert Bosley Memorial Bridge".

Referred to the Committee on Transportation and Infrastructure.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 60**—Requesting the Division of Highways name bridge number 18-077/00-145.78 (NB-SB) (18A172), locally known as Sandy Creek NB-SB bridges, carrying I-77 over Sandy Creek in Jackson County, the "Fire Chief Lee Thomas Memorial Bridge".

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 15th day of February, 2022, presented to



His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**(H. B. 2325)**, Removing the requirement of continuing education for barbers and cosmetologists.

**(Com. Sub. for H. B. 4062)**, Removing the residency requirement for the Commissioner of the Division of Highways.

**(Com. Sub. for H. B. 4074)**, Require schools provide eating disorder and self-harm training for teacher and students.

And,

**(H. B. 4301)**, Reforming membership requirements of Huntington Park and Recreation District Board.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Dean Jeffries,  
*Chair, House Committee.*

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 247** (originating in the Committee on Health and Human Resources), Relating to certified community behavioral health clinics.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Com. Sub. for Senate Bill 247** (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29, relating to certified community behavioral health clinics; providing that the state Medicaid agency shall

develop, seek approval of, and implement a Medicaid state plan amendment as necessary and appropriate to effectuate a system of Certified Community Behavioral Health Clinics; providing that a state certification system for Certified Community Behavioral Health Clinics shall be developed; setting forth state certification requirements; providing parties eligible to apply for certification as a Certified Community Behavioral Health Clinic; and providing that participation in the Certified Community Behavioral Health Clinic program is voluntary.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 268**, Creating exemption from compulsory school attendance for child who participates in learning pod or micro school.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 268** (originating in the Committee on Education)—A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to creating a new exemption from compulsory school attendance for a child who participates in a learning pod or microschoool; defining learning pod and microschoool; requiring parent or custodian to present to the county superintendent or county board a notice of intent to participate in the learning pod or microschoool; establishing qualifications for person or persons providing instruction; requiring annual academic assessment of the child in one of four specified ways; requiring the county board upon request to notify

the parents or legal guardian of the services available to assist in the assessment of the child's eligibility for special education services; requiring the county superintendent to offer such assistance as may assist the person or persons providing instruction; allowing any child participating in a learning pod or microschool to attend any class offered by the county board under certain conditions; providing that no learning pod or microschool is subject to any other provision of law relating to education; and clarifying that learning pods and microschools are not the same as homeschooling.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 543**, Creating Unemployment Compensation Insurance Fraud Unit within Workforce WV.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 584**, Relating to critical needs and failing systems sub account.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 584** (originating in the Committee on Finance)—A Bill to amend and reenact §31-15A-10 and §31-15A-17c of the Code of West Virginia, 1931, as amended, all relating generally to the West Virginia Infrastructure and Jobs Development Council; modifying when funds may be converted to grants; removing congressional district limitations; increasing the cap on annual spending that may be made on the pre-application process to project sponsors; critical needs and failing systems sub account; increasing the cap relating to providing extensions to a water facility or wastewater facility from \$1 million to \$2 million; and permitting a person or governmental agency to pay any overages of an approved project not to exceed 10 percent of the total project cost.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. House Bill 4048**, WV Keep, Bear and Drive with Arms Act.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. Com. Sub. for House Bill 4114**, Authorizing certain agencies of the Department of Administration to promulgate legislative rules.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. House Bill 4299**, To prohibit the intentional interference with election processes and creating associated criminal penalties.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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 Takubo:**

**Senate Bill 635**—A Bill to repeal §11-17-4a, §11-17-4b, and §11-17-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-17-2, §11-17-3, and §11-17-7 said code, all relating to the Tobacco Products Excise Tax Act; repealing discounts on tax stamps; adding definition of "Electronic smoking device"; increasing taxes on tobacco products; and providing that 10 percent of the revenue collected be dedicated to the West Virginia Division of Tobacco Prevention.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 636**—A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Revenue, West Virginia Office of Tax Appeals, fund 0593, fiscal year 2022, organization 0709, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 637**—A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Executive, Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2022, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

**By Senator Nelson:**

**Senate Bill 638**—A Bill to amend and reenact §24-2H-6 of the Code West Virginia, 1931, as amended, relating to the Public

Service Commission; and changing hearing location and customer notice provisions in a distressed or failing utility and formal proceeding.

Referred to the Committee on Government Organization.

**By Senator Nelson:**

**Senate Bill 639**—A Bill to amend and reenact §8-11-4 of the Code of West Virginia, 1931, as amended, relating to municipal corporations; providing for powers and duties with respect to ordinances and ordinance procedures; and providing a 45-day waiting period before a water and/or sewer rate increase may go into effect for any local rate-regulated municipality.

Referred to the Committee on Government Organization.

**By Senator Nelson:**

**Senate Bill 640**—A Bill to amend and reenact §24-1-9 of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission; and eliminating the requirement of sending certain recommended decisions by certified mail.

Referred to the Committee on Government Organization.

**By Senator Nelson:**

**Senate Bill 641**—A Bill to amend and reenact §7-14D-7 of the Code of West Virginia, 1931, as amended, relating to deputy sheriff retirement; allowing the Consolidated Public Retirement Board to set county commission contribution levels; requiring the level to be set actuarially; and providing an effective date.

Referred to the Committee on Pensions.

**By Senator Nelson:**

**Senate Bill 642**—A Bill to amend and reenact §5-10-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-10D-1 of said code; to amend and reenact §7-14D-5 of said code; to amend and reenact §8-22A-6 of said code; and to amend said code by adding thereto a new article, designated §15-15-1, §15-15-2, §15-15-3, §15-15-4, §15-15-5, §15-15-6, §15-15-7, §15-15-8, §15-15-9, §15-15-10, §15-15-11, §15-15-12, §15-15-13,

§15-15-14, §15-15-15, §15-15-16, §15-15-17, §15-15-18, §15-15-19, §15-15-20, §15-15-21, §15-15-22, §15-15-23, §15-15-24, §15-15-25, §15-15-26, §15-15-27, §15-15-28, §15-15-29, §15-15-30, §15-15-31, §15-15-32, §15-15-33, §15-15-34, §15-15-35, and §15-15-36; to amend and reenact §16-5V-6 of said code; and to amend and reenact §20-18-6 of said code, all relating to establishing the West Virginia Public Safety Employees Retirement System; providing for additional members of the Consolidated Public Retirement Board; and providing for criminal offense of defrauding the system and penalties therefor.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senator Swope:**

**Senate Bill 643**—A Bill to amend and reenact §8-29A-2 of the Code of West Virginia, 1931, as amended, relating to removing the residency requirement of members appointed to a county airport authority.

Referred to the Committee on Economic Development.

**By Senator Rucker:**

**Senate Bill 644**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5G-16, relating to creating the Charter Schools Stimulus Fund to provide financial support to charter school applicants and charter schools that may not otherwise have the resources for start-up costs and costs associated with renovating or remodeling existing buildings and structures; requiring State Board of Education rules; specifying requirements the rules are to include; requiring the West Virginia Professional Charter School Board to distribute moneys from the fund to qualifying charter school applicants and charter schools; specifying the manner of distribution; and requiring reimbursement of grant amount plus interest if the recipient hasn't begun operating a charter school within the next 18 months.

Referred to the Committee on Education; and then to the Committee on Finance.



**By Senator Karnes:**

**Senate Bill 645**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-20A-1, §18-20A-2, §18-20A-3, §18-20A-4, §18-20A-5, §18-20A-6, §18-20A-7, §18-20A-8, §18-20A-9, §18-20A-10, §18-20A-11, §18-20A-12, §18-20A-13, §18-20A-14, and §18-20A-15, all relating to regulating schools for students with disabilities; defining terms; limiting application of new article; requiring promulgation of rules for the management and operation of schools for students with disabilities; prohibiting the opening, operating, or conducting of any school for students with disabilities without a license; allowing the state superintendent or his or her authorized agents to make unannounced inspections of each school for students with disabilities each year; allowing issuance of provisional or conditional license or certificate in certain instances; requiring state superintendent to cooperate with other state agencies in fulfilling their respective licensing and certification responsibilities regarding educational programs offered in group homes and residential facilities; requiring state board rules authorizing the assistance to and cooperation with other state agencies for this purpose; requiring application for a license to be filed with the state superintendent; requiring each school to submit and maintain a guaranty instrument payable to the State of West Virginia and conditioned to protect the contractual rights of students and other contracting parties; specifying commitments that each application must contain; limiting disability categories served to those on license; allowing state superintendent to establish fees and the methods for collecting fees for schools; requiring the license of each school to be renewed on or before the anniversary date set by the state superintendent; specifying causes for which the state superintendent may refuse to issue or renew a license or may revoke or suspend a license; allowing the state superintendent to issue a summary order of suspension of the license of a residential or day school for students with disabilities under certain conditions; providing that the willful and material failure to comply with the summary order of suspension or final order of summary suspension is a misdemeanor punishable by fine and confinement; providing for the state superintendent or his or her authorized agents, under certain conditions, to investigate the

actions of any applicant for or any person or persons holding or claiming to hold a license to operate a school for students with disabilities; providing that any person who opens, operates, or conducts any school for students with disabilities without a license is guilty of a misdemeanor and subject to fine and confinement; and requiring the state superintendent to maintain a list of schools for students with disabilities holding valid licenses that must be available to the public.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Beach:**

**Senate Bill 646**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to county boards of education; and requiring boards to provide free feminine hygiene products in grades six through 12.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senators Smith, Clements, Grady, Karnes, Martin, Phillips, Sypolt, and Weld:**

**Senate Joint Resolution 9**—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to authorizing the Legislature by general law to exempt veterans who are awarded 100 percent service-connected disability from paying all or part of the ad valorem real property taxes on the property comprising their residences; 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.

Senator Takubo offered the following resolution:

**Senate Resolution 28**—Designating February 16, 2022, as West Virginia Rural Health Workforce Day at the Legislature.

Whereas, The mission of the West Virginia Rural Health Association is to unite people, communities, and organizations to strengthen rural health in West Virginia by empowering all West Virginians to advance their quality of life, well-being, and access to excellence in rural health care; and

Whereas, West Virginia is one of the most rural states in America; and

Whereas, Based on the prevailing Office of Management and Budget and Census Bureau definitions, about two thirds (64%) of the hard-working individuals in West Virginia live in rural communities; and

Whereas, West Virginia's rural health facilities have remained essential to West Virginia's efforts at responding to the unprecedented challenges emerging from the ongoing COVID-19 pandemic; and

Whereas, West Virginia Rural Health Workforce Day was established to emphasize the importance of rural hospitals, community health centers, county health departments, local free clinics, hospice care agencies, emergency medical service providers, and other health care providers. Their obligation is to serve the most rural areas of West Virginia and to recognize the efforts and contributions of these entities to address the unique challenges in rural health care; therefore, be it:

*Resolved by the Senate:*

That the Senate hereby designates February 16, 2022, as West Virginia Rural Health Workforce Day at the Legislature; and, be it

*Further Resolved,* That the Senate acknowledges the substantial efforts of these rural health care providers to overcome the barriers faced by West Virginians. Health care providers have worked hard during the ongoing COVID-19 pandemic to improve patient outcomes, patient experience, and to decrease the costs of care; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Rural Health Association.

Which, under the rules, lies over one day.

Senators Jeffries and Lindsay offered the following resolution:

**Senate Resolution 29**—Designating February 16, 2022, as West Virginia State University Day.

Whereas, West Virginia State University is a premier regional research university that is recognized nationally for its quality education, innovative teaching, and experiential learning; and

Whereas, The University was founded as the West Virginia Colored Institute by the West Virginia Legislature on March 17, 1891, as a public Historically Black College and University (HBCU) in Institute, West Virginia; and

Whereas, It is one of the original universities among the 1890 land-grant colleges and universities established by the second Morrill Act of 1890; and

Whereas, Along with academic programs, military education became an integral part of the curriculum, with the Legislature passing a bill to admit up to 60 cadets in 1899, graduating more than 900 second lieutenants and 15 major generals throughout the University's history; and

Whereas, In 1927, the university was accredited by the North Central Association (Higher Learning Commission) making it the first of 17 original schools to be certified by a regional association, becoming the first public college in West Virginia to be accredited by the North Central Association Higher Learning Commission; and

Whereas, In 1954, the United States Supreme Court gave its historic decision outlawing school segregation and West Virginia State rapidly transitioned to an integrated institution garnering

national attention for substantial enrollment increases after the removal of racial barriers; and

Whereas, In 2004, the West Virginia Legislature approved the transition to university status; and

Whereas, West Virginia State University now offers a wide variety of academic program options leading to 27 baccalaureate and seven master's degrees and is constantly looking to add new programs to serve the state and region; and

Whereas, As one of only two land-grant institutions in the state, West Virginia State University's Extension Service serves all 55 counties and approximately 20,000 people annually, including through the statewide Healthy Grandfamilies program, which provides information and resources to grandparents raising their grandchildren; and

Whereas, As a regional research institution, West Virginia State University contributes significantly to state economic development efforts in the natural and social sciences, including agricultural, environmental, biomedical, and business and economics research endeavors; and

Whereas, Prominent alumni from West Virginia State University include scholars, celebrities, politicians, business leaders, and athletes who have distinguished themselves across the globe and changed the world, such as the Tuskegee Airmen, NBA legend Earl Lloyd, and Presidential Medal of Freedom recipient Katherine Johnson, who inspired the film, *Hidden Figures*; and

Whereas, West Virginia State University is a member of the NCAA Division II Mountain East Conference, fielding 10 men's and women's athletic teams that compete regularly for conference championships; and

Whereas, Since its founding 130 years ago, West Virginia State University has always proven to be a community of students, outstanding faculty and staff devoted to helping people excel and gain the education needed to launch successful careers; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 16, 2022, as West Virginia State University Day; and, be it

*Further Resolved,* That the Senate hereby recognizes West Virginia State University for its tremendous contributions to the State of West Virginia; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to Ericke S. Cage, Interim President of West Virginia State University.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 45**, US Army CPL John D. Doyle, Sr. Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Concurrent Resolution 46**, Supporting North Central WV aviation and aerospace industries.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Romano, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, and on this question, Senator Romano demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings,

Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. C. R. 46) adopted.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senator Romano regarding the adoption of Senate Concurrent Resolution 46 were ordered printed in the Appendix to the Journal.

**Senate Resolution 26**, Designating month of February, 2022, as Self-Care Awareness month.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Grady, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senator Grady regarding the adoption of Senate Resolution 26 were ordered printed in the Appendix to the Journal.

**Senate Resolution 27**, Recognizing WV Kids Cancer Crusaders on International Childhood Cancer Awareness Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Jeffries, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, and on this question, Senator Caputo demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 27) adopted.

Thereafter, at the request of Senator Lindsay, and by unanimous consent, the remarks by Senator Jeffries regarding the adoption of Senate Resolution 27 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 33**, Protecting consumers against businesses using automatic renewals without consent.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.



The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 33) 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 330**, Authorizing DOT to promulgate legislative rules.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 330) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

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. 330) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Senate Bill 531**, Increasing annual salaries of certain state employees.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, February 14, 2022, for amendments to be received on third reading, was read a third time.

On motion of Senator Baldwin, the following amendment to the bill was reported by the Clerk:

On page twenty-six, section eight-a, after line two hundred and two, by adding thereto a new subsection, designated subsection (n), to read as follows:

(n) In light of the vacancies of service personnel positions which continue to exist throughout our county boards of education, a study shall be undertaken through the cooperative efforts of the West Virginia Department of Education, Department of Health and Human Resources, and the joint legislative commission on government and finance toward determining the best method by which to address the process and feasibility of increasing the salary and benefits of these government employees with the goal of eliminating the need for additional governmental subsistence to provide for their families but without a diminution of their current benefits, support, and assistance in order to recruit, employ, and maintain this valuable workforce for the benefit of our children and schools.

Senator Tarr arose to a point of order that Senator Baldwin's amendment was not germane to the bill.

Which point of order, the President ruled well taken.

On motion of Senator Lindsay, the following amendments to the bill (Eng. S. B. 531) were next reported by the Clerk and considered simultaneously:

On page six, section five, after line one hundred twenty-six, by adding thereto a new subsection, designated subsection (k), to read as follows:

(k) Effective July 1, 2023, and every year thereafter, if the combined balance of funds in the Revenue Fund Shortfall Reserve Fund and the Revenue Fund Shortfall Reserve Fund – Part B established in §11B-2-20 of this code exceeds \$1,000,000,000, then \$50,000,000 shall be transferred from those funds to the General Revenue and all members in this article shall receive an average three percent across the board salary increase.;

On page thirteen, section two, after line fifty-nine, by adding thereto a new subsection, designated subsection (f), to read as follows:

(f) Effective July 1, 2023, and every year thereafter, if the combined balance of funds in the Revenue Fund Shortfall Reserve Fund and the Revenue Fund Shortfall Reserve Fund – Part B established in §11B-2-20 of this code exceeds \$1,000,000,000, then \$50,000,000 shall be transferred from those funds to the General Revenue and all teachers and employees in this article shall receive an average three percent across the board salary increase.;

And,

On page twenty-six, section eight-a, after line two hundred two, by adding thereto a new subsection, designated subsection (n), to read as follows:

(n) Effective July 1, 2023, and every year thereafter, if the combined balance of funds in the Revenue Fund Shortfall Reserve Fund and the Revenue Fund Shortfall Reserve Fund – Part B established in §11B-2-20 of this code exceeds \$1,000,000,000, then \$50,000,000 shall be transferred from those funds to the

General Revenue and all service personnel in this article shall receive an average three percent across the board salary increase.

Following discussion,

The question being on the adoption of Senator Lindsay's amendments to the bill, and on this question, Senator Caputo demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Brown, Caputo, Geffert, Jeffries, Lindsay, Romano, Stollings, and Woelfel—10.

The nays were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—23.

Absent: Stover—1.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Lindsay's amendments to the bill rejected.

Engrossed Senate Bill 531 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 531 pass?"

Senator Grady requested a ruling from the Chair as to whether she should be excused from voting under Rule 43 of the Rules of the Senate as she is a public school educator.

The Chair replied that any impact on Senator Grady would be as a member of a class of persons and that she would be required to vote.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith,

Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 531) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2022.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 531) takes effect July 1, 2022.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 532**, Requiring reports to Joint Committee on Pensions and Retirement every five years on deferred retirement option plans.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith,

Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 532) 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 4097**, To prohibit nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4097) passed.

On motion of Senator Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. House Bill 4097**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1A-9, relating to nonpublic funding sources for

election administration and related expenses; prohibiting public officials and bodies responsible for elections in West Virginia from directly receiving or accepting money or anything of value for election administration and related expenses from private parties; creating Nonpublic Funding for Election Administration Fund for receipt of all gifts of money from private parties for election administration and related expenses; prescribing use of monies in fund; providing for balance to remain in fund; requiring investment of monies in fund; requiring Secretary of State to administer fund with approval of State Election Commission; requiring Secretary of State with approval of State Election Commission to accept, distribute, and utilize private gifts of tangible property or non-monetary things of value for election administration and related expenses; and authorizing Secretary of State to promulgate legislative rules.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. House Bill 4312**, Extending the option of electronic absentee ballot transmission to first responders in certain emergency circumstances.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4312) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. House Bill 4312**—A Bill to amend and reenact §3-3-1 and §3-3-5 of the Code of West Virginia, 1931, as amended, all relating to permitting first responders to vote by electronic absentee ballot in certain emergency circumstances; defining "qualified first responder" and providing examples; providing for submittal and acceptance of qualified first responder absentee voting applications; providing for transmittal of ballots to qualified first responders; and providing for processing of received electronic absentee ballots cast by qualified first responders.

*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 86,** Creating criminal offense of sexual extortion.

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 146,** Relating to interpretations of school laws.

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 415,** Capping severance tax collections in general revenue at specified percentage.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 442,** Relating to WV Public Employee Retirement System.

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 443**, Including police and firefighter as electors of trustees for certain pension funds.

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 524**, Placing duties and functions of certain boards and commissions under Department of Arts, Culture, and History.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 542**, Transferring Broadband Enhancement Council from Department of Commerce to Department of Economic Development.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 570**, Establishing training for law-enforcement in handling individuals with Alzheimer's and dementias.

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 574**, Relating to WV PEIA.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

**Senate Bill 591**, Relating to process for filling vacancies in state Legislature.

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 371**, Authorizing miscellaneous boards and agencies to promulgate legislative rules.

**Eng. Com. Sub. for House Bill 3312**, Establishing a memorial to child labor and child workers who died in the course of employment in this state.

And,

**Eng. House Bill 4308**, Authorizing disclosure of juvenile information to Crime Victims Compensation Fund for investigation and award of benefits.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Karnes, Weld, and Hamilton.

Thereafter, at the request of Senator Woelfel, and by unanimous consent, the remarks by Senator Karnes were ordered printed in the Appendix to the Journal.

At the request of Senator Lindsay, unanimous consent being granted, the remarks by Senators Weld and Hamilton were ordered printed in the Appendix to the Journal.

At the request of Senator Stollings, and by unanimous consent, the Senate returned to the eleventh order of business and the introduction of guests.

The Senate again proceeded to the twelfth order of business.

Remarks were made by Senator Karnes.

At the request of Senator Karnes, and by unanimous consent, the Senate stood in observance of a moment of silence in recognition of D. Shawn Hamilton, son of the Honorable Bill Hamilton, a senator from the eleventh district, and other victims of the drug addiction epidemic in West Virginia.

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 14, 2022:

**Senate Bill 111:** Senator Takubo;

**Senate Bill 503:** Senator Rucker;

**Senate Bill 562:** Senator Rucker;

**Senate Bill 622:** Senator Jeffries;

**Senate Bill 623:** Senator Woelfel;

**Senate Bill 631:** Senator Roberts;

**Senate Bill 632:** Senator Phillips;

**Senate Concurrent Resolution 46:** Senators Phillips, Caputo, Hamilton, Romano, Martin, and Jeffries;

**Senate Resolution 26:** Senators Lindsay and Jeffries;

And,

**Senate Resolution 27:** Senators Baldwin, Lindsay, Stollings, Caputo, Hamilton, and Romano.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 12:23 p.m., the Senate adjourned until tomorrow, Wednesday, February 16, 2022, at 11 a.m.

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## WEDNESDAY, FEBRUARY 16, 2022

The Senate met at 11:01 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Reverend Jim Butcher, Madison Baptist Church, Madison, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Charles H. Clements, a senator from the second district.

Pending the reading of the Journal of Tuesday, February 15, 2022,

At the request of Senator Trump, 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 2598**—A Bill to amend and reenact §22-30-3, §22-30-5, and §22-30-6 of the Code of West Virginia, 1931, as amended, relating to modifying an exception to the definition of an aboveground storage tank to also except out certain tanks in zones of peripheral concern which used for transportation and storage of hydrocarbons; providing that the secretary may not, as part of the regulatory program, require any regulated tanks to be lifted, moved, or otherwise physically altered in connection with a visual leak detection program in the absence of a confirmed release; and providing that tanks used for hydrocarbon production, transportation, and storage activities and tanks used for roadway snow and ice pretreatment, as identified

under §22-30-3(1)(M) and (N) that are located in a zone of critical concern are exempt from inspection and certification by a third party, but must be self-inspected and self-certified by its owner or operator at least once per year; and tanks used for roadway snow and ice pretreatment, as identified under §22-30-3(1)(M) and (N) that are located in a zone of critical concern are required to have secondary containment inspections performed by the owner or operator at least once per month.

Referred to the Committee on Energy, Industry, and Mining.

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 4004**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, relating to prohibiting an abortion after 15 weeks' gestation; defining terms; providing exceptions; requiring the determination of probable gestational; requiring reports; providing professional discipline; providing criminal penalties; clarifying this law does not prohibit other causes of actions; and prohibiting penalizing a patient.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

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 4005**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-17, relating to fetal body parts; defining terms; prohibiting buying, selling, receiving, transferring, acquiring or transporting of fetal body parts resulting from an induced abortion; providing exceptions; and providing criminal penalties.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4126**—A Bill to amend and reenact §64-5-1 et. seq. of the Code of West Virginia, 1931, as amended, all relating to generally authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules; authorizing the rules as filed, as modified, and as amended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to methods and standards for chemical tests for intoxication; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to hospital licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to childhood lead screening; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food manufacturing facilities; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to sewage treatment and collection system design standards; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to clinical laboratory practitioner licensure and certification; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to clandestine drug laboratory remediation; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to maternal risk screening; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to expedited partner therapy; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medication-assisted treatment - opioid treatment programs; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to syringe services program licensure; authorizing the Health Care Authority to promulgate a legislative rule relating to certificate of need; authorizing the Department of Health and Human Resources and the Insurance Commissioner to promulgate

a legislative rule relating to an all-payer claims database- data submission requirements; and authorizing the Department of Health and Human Resources and the Insurance Commissioner to promulgate a legislative rule relating to an all-payer claims database- privacy and security requirements;

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 4276**, WVU to create a Parkinson's disease registry.

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. House Bill 4307**—A Bill to amend and reenact §14-2A-3 of the Code of West Virginia, 1931, as amended, relating to increasing and expanding certain benefits payable from the Crime Victims' Compensation Fund; increasing the limit on allowable benefits for travel and relocation; increasing the limit on the allowable benefit for mental health counseling for secondary victims; and expanding the definition of "work loss" to compensate victims and responsible adults for work lost to attend court proceedings.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

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. House Bill 4396**—A Bill to repeal §11-21-12h of the Code of West Virginia, 1931, as amended, relating to the repeal of the modification reducing federal adjusted gross income relating to tolls for travel on West Virginia toll roads and paid electronically through use of Parkways Authority Commuter (PAC) cards.

Referred to the Committee on Finance.

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. House Bill 4410**—A Bill to amend and reenact §11-21-37a of the Code of West Virginia, 1931, as amended, relating to specifying allocation and apportionment of income of flow-through entities and treatment of income derived from flow-through entities by recipients thereof, providing that allocation and apportionment of income for flow-through entities to be the same as allocation and apportionment of income for C corporations; specifying effective date.

Referred to the Committee on Finance.

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 4461**—A Bill to amend and reenact §11-10-27 of the Code of West Virginia, 1931, as amended, relating to the consolidation of all administrative fees collected by the Tax Division into the existing "Tax Administration Services Fund"; removing the \$3 million cap on the fund; providing that excess amounts in this Fund are not converted into the General Fund; consolidating the balances of moneys in various funds collected as fees by, and administered for, the Tax Division of the Department of Revenue; reducing the amount of the fee that may be retained for the state administration of local sales and use taxes; and providing an effective date.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4484**—A Bill recognizing and declaring certain claims against agencies of the state to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

Referred to the Committee on Finance.



**Executive Communications**

The Clerk then presented the following communications from His Excellency, the Governor, regarding bills approved by him:



*Jim Justice*  
*Governor of West Virginia*

February 16, 2022

The Honorable Lee Cassis, Clerk  
West Virginia Senate  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Senate Bill No. Four Hundred Thirty-Five (435), which was presented to me on February 10, 2022.

Committee Substitute for Senate Bill No. Four Hundred Thirty-Seven (437), which was presented to me on February 10, 2022.

Committee Substitute for Senate Bill No. Four Hundred Forty-Nine (449), which was presented to me on February 10, 2022.

You will note that I have approved these bills on February 16, 2022.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Justice".

Jim Justice  
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk



*Jim Justice*  
*Governor of West Virginia*

February 16, 2022

The Honorable Stephen J. Harrison, Clerk  
West Virginia House of Delegates  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

House Bill No. Four Thousand Three Hundred One (4301), which was presented to me on February 15, 2022.

You will note that I have approved this bill on February 16, 2022.

Sincerely

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice  
Governor

JJ/mh

cc: The Honorable Lee Cassis

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 16th day of February, 2022, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**(Com. Sub. for S. B. 279)**, Authorizing DEP to promulgate legislative rules.

**(S. B. 450)**, Updating definitions of WV Personal Income Tax Act.

And,

**(S. B. 451)**, Updating definitions of WV Corporation Net Income Tax Act.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Dean Jeffries,  
*Chair, House Committee.*

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 213**, Establishing licensed professional counseling compact.

Now on second reading, having been rereferred to the Committee on Health and Human Resources on January 24, 2022;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Com. Sub. for Senate Bill 221** (originating in the Committee on Health and Human Resources), Establishing occupational therapy compact.

And reports back a revised committee substitute for same with the following title:

**Rev. Com. Sub. for Senate Bill 221** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-28A-1, §30-28A-2, §30-28A-3, §30-28A-4, §30-28A-5, §30-28A-6, §30-28A-7, §30-28A-8, §30-28A-9, §30-28A-10, §30-28A-11, §30-28A-12, §30-28A-13, and §30-28A-14, all relating to establishing an occupational therapy compact; providing for the purpose in creating the compact; providing for definitions relating to the compact; establishing guidelines for state participation in the compact; creating a compact privilege; creating a means to obtain a state home license through the compact; defining active duty military personnel and their spouses for purposes of the compact; defining adverse actions; establishing the occupational therapy compact commission; creating a data system; providing for rulemaking; providing for oversight, dispute resolution, and enforcement; creating a date of implementation of the interstate commission for occupational therapy practice and associated rules, withdrawal, and amendment; providing for the construction and severability of the

compact; and establishing the binding effect of the compact and other laws.

With the recommendation that the revised committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,  
*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 274**, Relating to number of child protective service workers in counties.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 274** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §9-2-6 of the Code of West Virginia, 1931, as amended, relating to requiring the secretary of the Department of Health and Human Resources to allocate child protective services workers by the Bureau of Social Services' district annually; and reporting this allocation process to the Legislative Oversight Commission on Health and Human Resources Accountability annually.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 414**, Creating special revenue account for statewide records management program.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

**Com. Sub. for Senate Bill 438**, Relating generally to WV Security for Public Deposits Act.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,  
*Chair ex officio.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 438) contained in the preceding report from the Committee on Rules was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

**Senate Bill 480**, Relating to DEP Office of Oil and Gas.

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,

Randy E. Smith,  
*Chair.*

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Energy, Industry, and Mining.

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 489**, Clarifying amount of deputy sheriff annual salary increase.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 489** (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-14-17c of the Code of West Virginia, 1931, as amended, relating to clarifying the amount of a deputy sheriff's annual monetary payment for years of service.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 494**, Creating Broadband Carrier Neutral and Open Access Infrastructure Development Fund.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 494** (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31G-1A-8, relating to creating the Broadband Carrier Neutral and Open Access Infrastructure Development Fund; providing for the administration of the fund, sources of funding for the fund, and the purposes for expenditures from the fund; and authorizing expenditures from the fund from collections and pursuant to legislative appropriations.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 529**, Encouraging additional computer science education in WV schools.

And,

**Senate Bill 541**, Requiring homeschooled child's academic assessment be submitted by certain date.

And reports the same back with the recommendation that they each do pass.



Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 530**, Encouraging public-private partnerships in transportation.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 530** (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-6b; and to amend and reenact §17-27-3, §17-27-4, §17-27-5, §17-27-7, §17-27-8, §17-27-9, §17-27-11, §17-27-13, §17-27-14, §17-27-15, and §17-27-16 of said code, all relating to encouraging public-private partnerships related to transportation facilities; providing coal severance tax escrow fund for the state portion of coal severance taxes paid on a public-private transportation facility; authorizing the Division of Highways to repay collected tax in escrow to private entities; cleaning up antiquated language; clarifying the roles of the division, public entities, and developers; simplifying the public-private partnership review process; clarifying that Commissioner of the Division of Highways may approve or modify the division's rankings, authorize negotiations and entry into comprehensive agreement with the highest-ranked developer, or reject all proposals; providing that division is not obligated to accept, consider, or review unsolicited conceptual proposals, but may choose to do so; providing that no obligation or liability attaches to either party if they are unable to reach an agreement; providing that the division may negotiate a comprehensive agreement with the next highest-ranked developer if agreement cannot be reached with highest-ranked developer; clarifying the extent to which the division may utilize condemnation if it is found the project serves a public

purpose or the developer is in material default; and exempting public-private partnership agreements from statutory government construction contract requirements.

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. 530), under the original double committee reference, was then referred to the Committee on Finance.

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 534**, Clarifying that secondary source on insurance is not controlling authority.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 534** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-1-3, relating to clarifying secondary sources are not the law and public policy of West Virginia in certain instances; and permitting the use of certified questions on issues of first impression in certain circumstances.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 536**, Clarifying statutes on possessing, manufacturing, importing, and transporting fentanyl in WV.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 536** (originating in the Committee on the Judiciary)—A Bill to repeal §60A-4-415 of the Code of West Virginia, 1931, as amended; to amend and reenact §60A-4-401 and §60A-4-409 of said code; and to amend said code by adding thereto a new section, designated §60A-4-418, all relating generally to controlled substance criminal offenses; increasing the penalty for manufacture, delivery, or possession with intent to manufacture or deliver fentanyl; creating the offenses of counterfeit fentanyl or adulterating another controlled substance with fentanyl; creating the offense of using minors to illegally manufacture, distribute, or possess with intent to distribute; and establishing criminal penalties.

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,

Charles S. Trump IV,  
*Chair.*

The bill (Com. Sub. for S. B. 536), under the original double committee reference, was then referred to the Committee on Finance.

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 554**, Transferring functions of WV Solid Waste Management Board to DEP.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 554** (originating in the Committee on Natural Resources)—A Bill to repeal §22C-3-22 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22C-3-1, §22C-3-2, §22C-3-3, §22C-3-4, §22C-3-5, §22C-3-6, §22C-3-7, §22C-3-8, §22C-3-9, §22C-3-10, §22C-3-11, §22C-3-12, §22C-3-13, §22C-3-14, §22C-3-15, §22C-3-16, §22C-3-17, §22C-3-18, §22C-3-19, §22C-3-20, §22C-3-21, §22C-3-23, §22C-3-24, §22C-3-25, and §22C-3-26 of said code, all relating to abolishing the West Virginia Solid Waste Management Board and transferring its functions, rights, powers, and duties to the Department of Environmental Protection; defining terms; declaring that the department is bound by actions previously taken by the Solid Waste Management Board; requiring development of state solid waste management plan once every two years beginning 2023; removing or repealing obsolete provisions relating to the former board; and correcting and revising citations to related sections of said code.

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,

Bill Hamilton,  
*Chair.*

The bill (Com. Sub. for S. B. 554), under the original double committee reference, was then referred to the Committee on Finance.

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 568**, Requiring insurance plans to provide underwriting information to insureds.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 568** (originating in the Committee on Banking and Insurance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-16-3c; to amend said code by adding thereto a new section, designated §33-24-6a; to amend said code by adding thereto a new section, designated §33-25-10a; and to amend said code by adding thereto a new section, designated §33-25A-7b, all relating to health insurance loss ratio information; defining term; and requiring disclosure of loss ratio information upon request.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 571**, Declaring certain claims to be moral obligations of state.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 571** (originating in the Committee on Finance)—A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 573**, Providing system where magistrates shall preside in certain instances outside normal court hours.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 573** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §50-1-13 of the Code of West Virginia, 1931, as amended, relating to requesting the Chief Justice of the Supreme Court of Appeals develop a rule creating a system in which magistrates may be assigned on a temporary rotating basis outside the county of their election or appointment to preside over initial appearances, petitions for domestic violence, emergency protective orders, emergency mental hygiene petitions, emergency juvenile delinquency petitions, and applications for issuance of search warrants in counties in which he or she was not elected or appointed during non-court hours; granting the court authority to organize the system on a circuit-wide or regional basis as the court chooses; clarifying that magistrates may preside remotely if the Supreme Court of Appeals determines it appropriate; and eliminating antiquated language.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 575**, Ensuring that imposition of certain sexual offenses apply to persons working in juvenile facilities.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 575** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-8B-10 of the Code of West Virginia, 1931, as amended, relating to the felony offense of imposition of sexual acts by any employee or volunteer on persons incarcerated, detained, or under supervision by the Division of Corrections and Rehabilitation, or the West Virginia Supreme Court of Appeals, or by any person acting pursuant to or under the authority of any sheriff, county commission, municipality, or court to ensure compliance with the provisions of §62-11B-1 *et seq.* of this code; clarifying that the felony offense applies to a person working at a juvenile facility or working for a municipal home incarceration alternative sentencing program; providing that the felony offense applies to sexual imposition on persons detained at or committed to a facility; establishing criminal penalties; and clarifying the definition of "incarcerated or detained in this state" to include adult and juvenile offenders sentenced, detained, committed, or serving a period of supervision pursuant to §62-11B-1 *et seq.* of this code.

And,

**Senate Bill 595**, Relating to Dangerousness Assessment Review Board.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 595** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §27-6A-13 of the Code of West Virginia, 1931, as amended, relating to the Dangerousness Assessment Advisory Board; barring the subpoenaing of board members to testify in proceedings about which the board issues advice, guidance, or opinion; and requiring in lieu of testifying that the board provides copies of all documents and materials used in providing its advice, guidance, or opinion upon request of the circuit court.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 589**, Defining area of critical need and shortage for substitute bus operators.

And reports the same back with the recommendation that it do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*



At the request of Senator Maroney, unanimous consent being granted, the bill (S. B. 589) contained in the preceding report from the Committee on Education was then referred to the Committee on Finance.

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 593**, Allowing Marshall University's Forensic Analysis Laboratory access and participation in WV DNA database for certain purposes.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 593** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-2B-3 of the Code of West Virginia, 1931, as amended, relating to the Legislature and State Police designating the Forensic Analysis Laboratory at the Marshall University Science Center as a criminal justice agency to allow its participation in the West Virginia DNA Database for certain purposes.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

**Senate Bill 598**, Establishing partnerships and aid for at-risk veterans to combat suicide.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 598** (originating in the Committee on Military)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9A-5-1, §9A-5-2, and §9A-5-3, all relating to specifically authorizing programs to assist at-risk veterans through partnerships with service organizations, government agencies, military organizations, or private entities engaged with their local veteran communities to connect veterans and their families with existing resources to combat suicide, and its contributing factors, among the veteran population in this state; providing legislative fundings and purpose; authorizing programs to assist at-risk veterans through partnerships with service organizations to combat suicide and its contributing factors among the veteran population; and providing for funding and grant-making from the Department of Veterans' Assistance to partner service organizations, government agencies, military organizations, or private entities and for the purposes of this article.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Chair.*

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 609**, Allowing DOH Commissioner to accept ownership of rented and leased equipment.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 609** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17-2A-15 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Highways to accept ownership of equipment that was rented or leased; and setting forth requirements related to acquiring and reporting ownership of equipment.

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,

Charles H. Clements,  
*Chair.*

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Transportation and Infrastructure.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 611**, Removing cap on bidder's contract bond.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 611** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17-4-20 of the Code of West Virginia, 1931, as amended, relating to removing the cap on contract bidder's surety or collateral bond; and updating outdated language.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 27**, US Army TSGT Harold William Schmidle Memorial Bridge.

And reports back a committee substitute for same as follows:

**Com. Sub. for Senate Concurrent Resolution 27** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 39-026/00-019.09 (39A051), (39.49472, -79.64520), locally known as Albright Bridge, carrying WV 26 over Cheat River in Preston County, as the "U.S. Army TSGT Harold William Schmidle Memorial Bridge".

Whereas, Harold William Schmidle was born in the year 1921, as the son of Joseph and Jennie Schmidle in Albright, West Virginia, and was one of 14 children; and

Whereas, Harold William Schmidle, also called "Teen", enlisted in the Infantry as a young man to serve his country during World War II; and

Whereas, TSGT Harold William Schmidle served 37 months in the Pacific and fought against the Japanese; and

Whereas, TSGT Harold William Schmidle was killed in action during the Battle of Banzai Point on the Island of Corregidor in the Philippines on February 19, 1945, where he served as a rifle squad leader (S/SGT) in the 2nd platoon, Company "D", 503rd Parachute Infantry Regiment, when he and his squad were overrun by the Japanese; and

Whereas, TSGT Harold William Schmidle had three brothers who also served their country at the time: George Schmidle was stationed in Texas; and Williard "Woody" Schmidle and Cottrill Schmidle served in the European Theatre; and

Whereas, TSGT Harold William Schmidle posthumously received the Silver Star for gallantry in action on February 19, 1945, for taking up a dangerous flank position, with utter disregard for his own life, repulsing several enemy rushes, and holding his position until mortally wounded without asking for help. His Silver Star citation provides that his courage, initiative, and coolness under fire materially aided in the reorganization of his unit for successful attack on the enemy and constituted the finest of soldierly performance of duty; and

Whereas, TSGT Harold William Schmidle was also the recipient of a Bronze Star, Purple Heart, and various other medals and awards; and

Whereas, It is fitting that an enduring memorial be established to commemorate TSGT Harold William Schmidle so that his sacrifice for our state and country will never be forgotten; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a bridge bearing the number 39-26-19.09, carrying Route 26 North in Albright, as the "U. S. Army TSGT Harold William Schmidle 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 "U.S. Army TSGT Harold William Schmidle 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.

And,

**Senate Concurrent Resolution 38**, Cox Brothers' Veteran Memorial Bridge.

And reports back a committee substitute for same as follows:

**Com. Sub. for Senate Concurrent Resolution 38** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 17-050/00-006.08 (EB and WB) (17A187, 17A189), (39.28925, -80.49021), locally known as Log Cabin Bridge, carrying U.S. Route 50 (EB and WB) over Tenmile Creek, Harrison County, the "Cox Brothers Veterans Memorial Bridge".

Whereas, The Cox Family demonstrated their utmost patriotism for the United States with 11 of 15 brothers in a family of 21 children serving in the U.S. military, including seven brothers who served during WWII; and

Whereas, Vaughn Cox was with the 101st Airborne, serving as a paratrooper on D-Day being shot several times before he hit the ground. Thereafter, Vaughn was picked up by burial crews who discovered that he was still alive, after which he recovered and returned home with a glass eye having earned three Purple Hearts; and

Whereas, Glenn Cox was stationed with the Navy on Ocracoke Island at a top secret amphibious training base where he operated from the "Loop Shack" to track Nazi U-Boats. At the end of the war, as reported by his daughter, Glenn had the honor of transcribing the radio code message announcing the end of WWII to his fellow sailors; and

Whereas, Edward Cox fought during the battles for Guadalcanal and the Southern Philippines during WWII. He reenlisted and served in the Korean War, garnering multiple honors, including medals for the Asiatic-Pacific Theater Campaign with two bronze stars, Philippine Liberation Ribbon with one bronze star, and the Army of Occupation Medal, Korea; and

Whereas, Paul Loutrell Cox was a U.S. Marine, PFC-6, during WWII, serving in the Central Pacific throughout those difficult times; and

Whereas, Carlos Walter Cox was a Staff Sergeant in the Army who served in northern France and the Rhineland during WWII, earning multiple service ribbons for valor and bravery; and

Whereas, Calvin Leco Cox served his country in the Army as Private First Class-Ordinance in Walla Walla, Washington; and

Whereas, The Cox brothers' half-brother, Kenneth Bickerstaff, was in the Army and stationed in Australia during WWII to help fight off the Japanese invasion in the Pacific; and

Whereas, All seven of the Cox brothers who served in WWII were listed on the Honor Memorial in Wolf Summit, West Virginia, dedicated in 1946, symbolizing their heroism and sacrifice for continued freedom of the United States and our democracy; and

Whereas, It is fitting that an enduring memorial be established to commemorate all seven of the Cox brothers, who served in WWII, and their contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 17-050/00-006.08 (EB and WB) (17A187, 17A189), (39.28925, -80.49021), locally known as Log Cabin Bridge, carrying U.S. Route 50 (EB and WB) over Tenmile Creek, Harrison County, the "Cox Brothers Veterans 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 "Cox Brothers Veterans 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.

With the recommendation that the two committee substitutes be adopted.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Eng. House Bill 4060**, Repealing outdated sections of code relating to health.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Eng. Com. Sub. for House Bill 4333**, Relating to the sunset of the Board of Hearing-Aid Dealers and Fitters.

And reports the same back with the recommendation that it do pass.



Respectfully submitted,

Mark R. Maynard,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4333) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Eng. House Bill 4369**, Update the telepsychology compact.

And reports the same back with the recommendation that it 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 Senators Grady, Azinger, Boley, Clements, Karnes, Martin, Maynard, Phillips, Roberts, Rucker, Smith, Stover, Sypolt, Takubo, Tarr, Trump, Weld, and Woodrum:**

**Senate Bill 647**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-65-1, §16-65-2, §16-65-3, and §16-65-4, all relating to prohibiting discrimination based on an individual's mental or physical disability in access to organ transplantation; and providing enforcement mechanisms.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Nelson:**

**Senate Bill 648**—A Bill to amend and reenact §24D-1-1, §24D-1-13, §24D-1-14, §24D-1-16, §24D-1-17, and §24D-1-18 of the Code of West Virginia, 1931, as amended, all relating to the Public Service Commission and the Cable Television Systems Act; setting rates and reviewing of any special surcharges, costs and fees imposed on cable subscribers; adding additional customer service standards for cable operators, including the adoption of the Federal Communications Commission customer service and technical standards; clarifying when a refund or credit is due a cable subscriber; setting forth requirements for business offices, including requiring business offices to be located in each county in which the cable operator provides cable service; and requiring certain cable operators to operate an in-state customer call center.

Referred to the Committee on Government Organization.

**By Senator Nelson:**

**Senate Bill 649**—A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931, as amended, relating to requiring communication providers providing service in West Virginia or obtaining West Virginia area codes to register with the Public Service Commission; defining "communication provider"; and combining into one section, the two versions of this section that were amended during the regular session of the Legislature, 2021.

Referred to the Committee on the Judiciary.

**By Senator Nelson:**

**Senate Bill 650**—A Bill to amend and reenact §37B-1-4 of the Code of West Virginia, 1931, as amended, relating to amending the number of royalty owners required for utilization by an operator for the lawful use and development by cotenants; and correcting the format of some phrases.

Referred to the Committee on Energy, Industry, and Mining.

**By Senator Grady:**

**Senate Bill 651**—A Bill to amend and reenact §18-2B-2a of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9D-19 of said code, all relating to allowing a county board of education participating in the operation of a multicounty vocational center to withdraw; allowing any county board participating in a multicounty vocational center to determine that a career technical education program be part of the local high school; and modifying provisions pertaining to construction of a comprehensive vocational facility by a county board served by a multicounty vocational technical facility.

Referred to the Committee on Education.

**By Senators Woodrum, Boley, Clements, Grady, Karnes, Phillips, Roberts, Stover, Sypolt, and Trump:**

**Senate Bill 652**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-20, relating to prohibiting hospitals from refusing to receive and delaying the reception of patients presented by emergency medical services; and defining the minimum duty of the hospital.

Referred to the Committee on Health and Human Resources.

**By Senators Weld, Caputo, and Romano:**

**Senate Bill 653**—A Bill to repeal §18B-2A-7a of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1-2 of said code; to amend and reenact §18B-1B-6 of said code; to amend and reenact §18B-2A-1 of said code; to amend and reenact §18B-3C-8 and §18B-3C-13 of said code, and to amend said code by adding thereto a new section, designated §18B-3C-13a, all relating to public higher education governance; making Pierpont Community and Technical College a fully integrated division of Fairmont State University known as the Pierpont College of Community and Technical Education on July 1, 2023; increasing the number of members of the Fairmont State Board of Governors to 15 persons; requiring the appointment by the Governor of at least one member on the Fairmont State University Board of Governors who has knowledge and practical experience in community and

technical education; providing for two faculty members on the Fairmont State University Board of Governors at least one of which shall be from the faculty of the Pierpont College of Community and Technical Education elected by the faculty senate; providing that the administrative head of the Pierpont College of Community and Technical Education shall be a dean appointed by the President of Fairmont State University; providing that the chairman of the Fairmont State University Board of Governors shall appoint an advisory board to advise the Fairmont State University Board of Governors on matters relating to the community and technical college curriculum; providing that the members of the advisory board shall elect a chairperson on or after July 1, 2023, who shall be an ex-officio, voting member of the Fairmont State University Board of Governors; providing that the operating budget of Pierpont Community and Technical College is integrated under the authority and jurisdiction of the Fairmont State University Board of Governors; transferring all financial assets and liabilities from the authority of Pierpont Community and Technical College Board of Governors to the authority of the Fairmont State University Board of Governors; satisfying existing outstanding deficits or financial obligations prior to the unification of Fairmont State University and Pierpont Community and Technical College; continuing any capital debt service payment of Pierpont Community and Technical College and making it the responsibility of the Fairmont State University Board of Governors; transferring titles to all real property, facilities, and equipment of, as well as each valid agreement undertaken by Pierpont Community and Technical College to the Fairmont State University Board of Governors; vesting title of all property purchased for the use of Pierpont Community and Technical College in the Fairmont State University Board of Governors; making faculty, classified employees, and nonclassified employees of Pierpont Community and Technical College employees of Fairmont State University; providing for a transition period to achieve full accreditation by the Higher Learning Commission; requiring reports to the Council for Community and Technical College Education and the Legislative Oversight Commission on Education Accountability; clarifying that the Council for Community and Technical College Education shall retain jurisdiction over the academic programming offered by

the Pierpont College of Community and Technical Education; providing for transition team oversight with a sunset date; authorizing Fairmont State University to begin the change of control accreditation review process with the Higher Learning Commission on July 1, 2022; updating certain state institution of higher education names; repealing outdated language; and deleting obsolete language.

Referred to the Committee on Education.

**By Senator Roberts:**

**Senate Bill 654**—A Bill to amend and reenact §18C-9-5 of the Code of West Virginia, 1931, as amended, relating to creating exceptions to the West Virginia Invests Grant eligibility requirement; and providing that the applicant has not been previously awarded a post-secondary degree.

Referred to the Committee on Education.

**By Senators Takubo, Hamilton, Maynard, Phillips, Smith, Stollings, Tarr, and Weld:**

**Senate Bill 655**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-43-1, §30-43-2, and §30-43-3, all relating to tactical medical professionals; defining terms; authorizing to carry firearms; training and certification requirements; and protecting from civil or criminal liability.

Referred to the Committee on Health and Human Resources.

**By Senators Takubo, Boley, Hamilton, Nelson, Phillips, Stollings, Swope, Sybolt, Trump, and Woodrum:**

**Senate Bill 656**—A Bill to amend and reenact §11-21-71 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-24-44, all relating to providing a tax credit against the state corporate net income tax to for-profit corporations or a tax credit against payroll withholdings for nonprofit corporations for expenditures related to the establishment and operation of employer-provided child-care facilities.

Referred to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 657**—A Bill to amend and reenact §16A-9-1 of the Code of West Virginia, 1931, as amended, relating generally to medical cannabis; and authorizing the disclosure of tax information necessary for administration of the medical cannabis program.

Referred to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 658**—A Bill to amend and reenact §18A-4-2b of the Code of West Virginia, 1931, as amended, relating to making school psychologists holding a license in school psychology from the West Virginia Board of Examiners of Psychologists eligible for the same annual salary supplement and expense reimbursements that school psychologists who attain national professional certification by the National Association of School Psychologists are eligible for; and removing obsolete language.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 659**—A Bill to amend and reenact §11-16-8 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §60-1-3a; to amend and reenact §60-6-24 of said code; to amend and reenact §60-7-2, and §60-7-6 of said code; to amend and reenact §60-8-6c of said code; and to amend and reenact §61-8-27 of said code, all relating to nonintoxicating beer, wine, and liquor licenses and requirements; providing for removal of the 300-foot requirement; clarifying that licensees are not required to place alcoholic liquors in a bag after purchase; revising the blood alcohol chart; creating a license for a private bakery to produce confections with alcohol added and setting a license fee; creating a license for a private cigar shop to, where legally permissible, permit the sale of alcohol, food, and cigars for on-premises consumption, and setting a license fee; creating a license for a private college sports stadium for alcohol sales in certain areas of Division I, II, or III sports stadiums, and

setting a license fee; creating a license for a private food truck to conduct food and alcohol sales at various locations when permitted by a municipality, and setting a license fee; permitting private hotels and private resort hotels to apply for a private caterer license; authorizing private hotels and private resorts hotels to utilize in-room mini-bars for limited alcohol sales to adults 21 year of age and over; authorizing wine growler sales where wine may be mixed with ice and water to produce a frozen alcoholic beverage for sale in sealed wine growlers, and additional requirements; and providing additional exceptions to the criminal penalty for the unlawful admission of children to a dance hall for certain private clubs with an age verification system.

Referred to the Committee on the Judiciary.

**By Senator Geffert:**

**Senate Joint Resolution 10**—Proposing an amendment to the Constitution of the State of West Virginia, amending article III thereof, by adding thereto a new section, designated section 23, relating to preserving equality under the law on the basis of sex; 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.

Senator Grady offered the following resolution:

**Senate Concurrent Resolution 47**—Requesting the Division of Highways name bridge number 18-077/00-145.78 (NB-SB) (18A172), locally known as Sandy Creek NB-SB Bridges, carrying I-77 over Sandy Creek in Jackson County, the "Fire Chief Lee Thomas Memorial Bridge".

Whereas, Fire Chief Lee Thomas was born on November 4, 1933, in Sandyville, West Virginia, and passed away on December 7, 2016; and

Whereas, Fire Chief Lee Thomas was inducted into the United States Army on November 18, 1955, attained the rank of Specialist 4, and was honorably discharged on October 31, 1961; and

Whereas, Fire Chief Lee Thomas was a charter member of the Sandyville Volunteer Fire Department where he served for 48 years, 25 of which were as chief; and

Whereas, It is fitting that an enduring memorial be established to commemorate Fire Chief Lee Thomas and his contributions to our country, state, and community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 18-077/00-145.78 (NB-SB) (18A172), locally known as Sandy Creek NB-SB Bridges, carrying I-77 over Sandy Creek in Jackson County, the "Fire Chief Lee Thomas Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to erect signs containing bold lettering identifying the bridge as the "Fire Chief Lee Thomas Memorial Bridge"; and, be it

*Further Resolved,* That the Clerk of the Senate is 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 Clements offered the following resolution:

**Senate Resolution 30**—Designating February 17, 2022, as Corrections Day.

Whereas, The West Virginia Division of Corrections and Rehabilitation is committed to enhancing public safety, promoting offender accountability, and successfully reintegrating offenders into society; and



Whereas, The COVID-19 pandemic is a public health crisis not seen in a century; and

Whereas, The pandemic presents an even greater threat to health and safety in a congregate setting such as a prison, jail, or juvenile facility; and

Whereas, The staff of the Division of Corrections and Rehabilitation have adapted to this challenge by successfully implementing numerous additional safety protocols and procedures; and

Whereas, The Division of Corrections and Rehabilitation staff perform dangerous duties that have been amplified by the pandemic; and

Whereas, The dedicated men and women of the Division of Corrections and Rehabilitation are working extensive overtime to maintain safe facilities because of significant staffing shortages due to the pandemic; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 17, 2022, as Corrections Day; and, be it

*Further Resolved,* That the Senate recognizes the exceptional service and commitment of the employees of the Division of Corrections and Rehabilitation; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Corrections and Rehabilitation.

Which, under the rules, lies over one day.

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 660** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §30-1-26 of the Code of West Virginia, 1931, as amended, relating to setting forth standard of care requirements for telehealth practice.

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 Resolution 28**, Designating February 16, 2022, as WV Rural Health Workforce Day at Legislature.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

**Senate Resolution 29**, Designating February 16, 2022, as WV State University Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Lindsay, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, and on this question, Senator Lindsay demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton,

Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 29) adopted.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 86**, Creating criminal offense of sexual extortion.

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 86 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 86) passed.

On motion of Senator Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for Senate Bill 86**—A Bill to amend and reenact §61-2-13 of the Code of West Virginia, 1931, as amended, relating to the criminal offense of extortion, including threats to publish images of a person's intimate body parts as a means of committing extortion or attempted extortion; defining terms; and establishing criminal penalties.

*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 146**, Relating to interpretations of school laws.

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 146 pass?"

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—25.

The nays were: Baldwin, Beach, Brown, Caputo, Geffert, Jeffries, Lindsay, Romano, and Stollings—9.

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. 146) 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 415**, Capping severance tax collections in general revenue at specified percentage.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 415) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 415) 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 442**, Relating to WV Public Employee Retirement System.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 442) 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 443**, Including police and firefighter as electors of trustees for certain pension funds.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 443) 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 524**, Placing duties and functions of certain boards and commissions under Department of Arts, Culture, and History.

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 524 pass?"

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Hamilton, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—25.

The nays were: Baldwin, Beach, Brown, Caputo, Geffert, Lindsay, Romano, Stollings, and Woelfel—9.

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. 524) 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 542**, Transferring Broadband Enhancement Council from Department of Commerce to Department of Economic Development.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Senators Plymale and Maynard, 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 members of the Broadband Enhancement Council.

The Chair replied that Senators Plymale and Maynard should be excused from voting on any matter pertaining to the bill, and without objection, Senators Plymale and Maynard were excused from voting on any matter pertaining to the bill.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Nelson, Phillips, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: None.

Excused from voting: Maynard and Plymale—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 542) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Nelson, Phillips, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: None.



Excused from voting: Maynard and Plymale—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 542) 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 570**, Establishing training for law-enforcement in handling individuals with Alzheimer's and dementias.

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 Senate Bill 570 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 570) 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 574**, Relating to WV PEIA.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, February 15, 2022, for

amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

**Eng. Senate Bill 591**, Relating to process for filling vacancies in state Legislature.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 591) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 371**, Authorizing miscellaneous boards and agencies to promulgate legislative rules.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Eng. Com. Sub. for House Bill 3312**, Establishing a memorial to child labor and child workers who died in the course of employment in this state.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. House Bill 4308**, Authorizing disclosure of juvenile information to Crime Victims Compensation Fund for investigation and award of benefits.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Judiciary committee amendment pending and the right for further amendments to be considered on that 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 Com. Sub. for Senate Bill 247**, Relating to certified community behavioral health clinics.

**Com. Sub. for Senate Bill 268**, Creating exemption from compulsory school attendance for child who participates in learning pod or micro school.

**Com. Sub. for Senate Bill 543**, Creating Unemployment Compensation Insurance Fraud Unit within Workforce WV.

**Com. Sub. for Senate Bill 584**, Relating to WV Infrastructure and Jobs Development Council.

**Eng. House Bill 4048**, WV Keep, Bear and Drive with Arms Act.

**Eng. Com. Sub. for House Bill 4114**, Authorizing certain agencies of the Department of Administration to promulgate legislative rules.

And,

**Eng. House Bill 4299**, To prohibit the intentional interference with election processes and creating associated criminal penalties.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Karnes, Plymale, and Weld.

At the request of Senator Plymale, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of the passing of Nancy Cartmill, a Cabell County Commissioner and former mayor of Barboursville.

Thereafter, at the request of Senator Woelfel, and by unanimous consent, the remarks by Senators Plymale and Weld 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 senator was removed as a co-sponsor of the following bill on February 15, 2022:

**Senate Bill 484:** Senator Martin.

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 15, 2022:

**Senate Bill 18:** Senator Brown;

**Senate Bill 19:** Senator Brown;

**Senate Bill 20:** Senator Brown;

**Senate Bill 32:** Senator Brown;

**Senate Bill 46:** Senator Brown;

**Com. Sub. for Senate Bill 51:** Senator Weld;

**Senate Bill 53:** Senator Brown;

**Senate Bill 56:** Senator Brown;

**Senate Bill 233:** Senator Stollings;

**Com. Sub. for Senate Bill 247:** Senator Jeffries;

**Com. Sub. for Senate Bill 543:** Senator Jeffries;

**Senate Bill 584:** Senator Hamilton;

**Senate Bill 593:** Senator Beach;

**Senate Bill 609:** Senator Jeffries;

**Senate Bill 614:** Senator Martin;

**Senate Bill 643:** Senator Trump;

**Senate Bill 645:** Senators Maynard and Phillips;

**Senate Bill 646:** Senators Stollings, Woelfel, and Caputo;

**Senate Joint Resolution 9:** Senators Plymale, Stollings, Hamilton, and Baldwin;

**Senate Concurrent Resolution 46:** Senator Rucker;

**Senate Resolution 28:** Senators Plymale, Stollings, Baldwin, Jeffries, Hamilton, Lindsay, and Roberts;

And,

**Senate Resolution 29:** Senators Stollings, Rucker, and Baldwin.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:14 p.m., the Senate adjourned until tomorrow, Thursday, February 17, 2022, at 11 a.m.

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## THURSDAY, FEBRUARY 17, 2022

The Senate met at 11:05 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Timothy Meadows, Chaplain, Parkersburg Correctional Center and Jail, Parkersburg, West Virginia, and St. Marys Correctional Center and Jail, St. Marys, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Rollan A. Roberts, a senator from the ninth district.

Pending the reading of the Journal of Wednesday, February 16, 2022,

At the request of Senator Rucker, 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 4002**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-18, relating to the creation of the Certified Sites and Development Readiness Program under the Department of Economic Development; requiring the department to develop evaluation criteria and site certification levels; establishing application processes for program; establishing eligible applicants; allowing the department to select sites for the program from applications; providing for the review of sites and reporting to applicants of the site's readiness; creating two types of

grants; allowing the department to choose sites to provide matching grant funds to develop sites included in the program; establishing requirements for the matching grant funding; allowing the department to choose recipients for micro-grants; providing the department the authority to set forth criteria for micro-grants; limiting the amount of funds which may be expended per site; providing for the repayment of funds from matching grants; and creating the Certified Sites and Development Readiness Fund.

Referred to the Committee on Economic Development.

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 4008**—A Bill to amend and reenact §18B-1B-4 of the Code of West Virginia, 1931, as amended, relating to powers and duties of the Higher Education Policy Commission generally; directing the Higher Education Policy Commission, in conjunction with the West Virginia Council for Community and Technical College Education, to propose rules to establish a funding formula model governing its appropriation request to the Legislature regarding distribution of general revenue to the state's institutions of higher education; setting forth parameters for the formula and minimum requirements for the rule; revising and removing certain related commission powers and duties; requiring interim chancellor to meet all criteria required of the chancellor; clarifying the commission and council's responsibilities, in conjunction with the West Virginia Network, to support systemwide technology needs; revising provisions for rulemaking regarding transfers of credits and obtaining academic credit or advanced placement standing based on experience; authorizing commission to promulgate rules, and exercise powers and duties, governing student loans, scholarships, state aid as provided in Chapter 18C of the code; removing requirements to provide education about certain disease; and making non-substantive technical cleanup corrections and clarifying changes.

Referred to the Committee on Education; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4259**—A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new article, designated §31-15D-1, §31-15D-2, §31-15D-3, §31-15D-4, §31-15D-5, §31-15D-6, §31-15D-7, §31-15D-8, §31-15D-9, §31-15D-10, §31-15D-11, §31-15D-12, §31-15D-13, §31-15D-14, §31-15D-15, §31-15D-16, §31-15D-17, §31-15D-18, §31-15D-19, §31-15D-20, and §31-15D-21, all relating to promoting investment and future growth in small businesses in West Virginia; creating the Small Business Jumpstart Act; defining terms; establishing the transferability of tax credits; establishing the application requirements for small business growth funds; establishing process for approval of the application; providing grounds for the denial of an application; allowing submission of additional information to complete an application following denial; establishing process for Department of Economic Development to notify applicant of approval; creating duties of the fund following approval of application; establishing how an approval may lapse; providing for a tax credit against an entity's state insurance premium tax liability; limiting amount of tax credit; providing for the carryforward of tax credits; prohibiting assignments of tax credit; providing notice to Insurance Commissioner; establishing that entity participating in program not required to pay retaliatory tax; establishing when revocation of tax credit occurs; requiring reporting by small business growth funds; requiring small business growth fund pay fee to Department; establishing process for exiting the program; clarifying that Department cannot revoke tax credit following the fund's exit; and allowing for Department to provide opinions to small business growth fund regarding investment of a small business concern.

Referred to the Committee on Finance.

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 4351**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-20, relating to the implementation of an acuity-based patient classification system; defining terms; providing for legislative findings; establishing a process to develop a plan; requiring a staffing plan to be reported; providing an exemption from the Freedom of Information Act; and establishing a framework for the staffing plans to be sent.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

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. House Bill 4352**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-6c, relating to an additional modification decreasing federal taxable income; providing for definitions; and providing for net liability under apportionment.

Referred to the Committee on Finance.

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 4426**—A Bill to repeal §16-2L-1, §16-2L-2, §16-2L-3, §16-2L-4, §16-2L-5, §16-2L-6 and §16-2L-7 of the Code of West Virginia, 1931, as amended; and to repeal §33-25G-1, §33-25G-2, §33-25G-3, §33-25G-4, and §33-25G-5 of said code, all relating to Provider Sponsored Networks.

Referred to the Committee on Banking and Insurance; and then to the Committee on Health and Human Resources.

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 4451**—A Bill to amend and reenact §11-6F-6 of the Code of West Virginia, 1931, as amended, all relating to the special method for appraising qualified capital additions to manufacturing facilities, eliminating the requirement that otherwise qualified capital addition be located or installed at or within two miles of a preexisting manufacturing facility; and specifying effective date.

Referred to the Committee on Finance.

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. House Bill 4460**—A Bill to amend and reenact §11-13S-4 and §11-13Y-5 of the Code of West Virginia, 1931, as amended, all relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; defining terms; deleting superannuated language; specifying application of tax credit; specifying effective date; and making stylistic revisions.

Referred to the Committee on Finance.

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 4465**—A Bill to amend and reenact §11-13W-1 of the Code of West Virginia, 1931, as amended, all relating to the tax credit for apprenticeship training; eliminating the requirement that the credit base be limited to wages paid to apprentices in the construction trades; and specifying effective date.

Referred to the Committee on Finance.

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 4470**—A Bill to amend and reenact §11-15-9n of the Code of West Virginia, 1931, as amended, all relating to the consumers sales and service tax and use tax exemption for qualified purchases of computers and computer software, primary material handling equipment, racking and racking systems, and components, building materials and certain tangible personal property to be incorporated into a qualified, new or expanded warehouse or distribution facility; changing threshold jobs creation number from 300 to 50; and making stylistic changes.

Referred to the Committee on Finance.

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 4489**—A Bill to amend and reenact §18A-2-7a of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education report certain information to the Statewide Job Bank.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of the following resolutions:

**House Concurrent Resolution 1**—Requesting the Division of Highways name bridge number 03-001/00-008.66 () (03A004), locally known as Falling Rock Br 8.66, carrying CR 1 over Falling Rock Creek in Boone County, the "Alex Perdue Memorial Bridge".

**House Concurrent Resolution 4**—Requesting the Division of Highways name bridge number 23-10/7-0.01(23A048), locally known as the Gillman Bottom Bridge carrying CR 10/7 over Huff Creek in Logan County, West Virginia, the "John B. Short Memorial Bridge".

**House Concurrent Resolution 7**—Requesting the Division of Highways name bridge number: 03-005/00-017.66 (03A042),

(38.63616, -81.62303) locally known as Seth Bridge, carrying CR 5 over Big Coal River in Boone County, the "Daniel Edward Kolhton 'Red' Haney Memorial Bridge".

**House Concurrent Resolution 9**—Requesting the Division of Highways name a portion of Rt 85 South, starting at the Van Community Park of the community of Van and ending at the bridge at Clinton Camp Rd in Wharton in Boone County, the "U.S. Army SSG James C. Vickers Silver Star Highway".

**House Concurrent Resolution 13**—Requesting the Division of Highways name a bridge bearing the number 10-060/00-000.32 (10A140), (38.18106, -81.30672) locally known as "Smithers Creek Bridge," carrying US Route 60 over Smithers Ck. & CR 21/15 in Fayette County as the "The Doctor Enrique Aguilar Memorial Bridge".

**House Concurrent Resolution 14**—Requesting the Division of Highways name a stretch of road on WV 46 in Mineral County, east of Keyser between Lime Stone Rd, CR 14 (WV 46, 39.428520472667465, -78.95480521741753) and Fountain Rd (46/11) as the "Colonel Ronald John 'Ron' Chiccehitto Memorial Road".

**House Concurrent Resolution 25**—Requesting the Division of Highways name bridge number 20-061/00-016.01 (20A184), (38.23939, -81.5576) locally known as Lens Creek Temporary Bridge, carrying WV 61 over Lens Creek in Kanawha County, the "SP5 Terry Lee McClanahan Memorial Bridge".

**House Concurrent Resolution 26**—Requesting the Division of Highways name bridge number: 20-060/00-005.59 (WB) (20A336), (38.35826,-81.63989) locally known as US 60 Washington Street Bridge, carrying US 60 over Elk River in Kanawha county, the "Charleston Police Officer Cassie Johnson-Fallen Heroes Memorial Bridge".

**House Concurrent Resolution 36**—Requesting the Division of Highways name bridge number 04-019/00-027.48 () (04A061) locally known as the Bulltown Bridge, carrying US Route 19 over

Little Kanawha River in Braxton County, the "John Calvin 'J.C.' Baker Memorial Bridge".

**House Concurrent Resolution 46**—Requesting the Division of Highways name Bridge Number: 45-003/00-014.90 () (45A090), (37.63979,-80.80448) locally known as the Willow Wood Bridge, carrying WV 3 over Greenbrier River in Summers County, the "U. S. Navy Seaman Donald Homer Wheeler Memorial Bridge".

**House Concurrent Resolution 47**—Requesting the Division of Highways name Bridge Number: 50-037/00-030.06 () (50A079), (38.11399,-82.32930) locally known as Lick Creek Bridge, carrying WV 37 over Lick Creek in Wayne County, the "U. S. Army CPL Billy Earl Duty Memorial Bridge".

**House Concurrent Resolution 48**—Requesting the Division of Highways name County Route 5 and County Route 82, known as Lansing-Edmond Road, from its intersection with US 19 to the intersection with County Route 7 in Fayette County, the "WVSP Sgt John S. Syner Memorial Road".

**House Concurrent Resolution 49**—Requesting the Division of Highways name Route 16 beginning at the Fayette County, West Virginia, line and ending at the intersection of Route 16 and Main Street in Mount Hope, Fayette County, West Virginia, by the Siltex Mine Memorial the "Charles M. 'Charlie' Biggs Memorial Highway" in Prince Hill, Fayette County, West Virginia.

**House Concurrent Resolution 50**—Requesting the Division of Highways name the Route 61, locally known as the Fayette Pike Road, beginning at 38.1807020, -81.3175328 and ending at 38.1796852, -81.2266422, in Montgomery, West Virginia, the "John Ellison Road" in honor of Willie John Ellison.

**House Concurrent Resolution 52**—Requesting the Division of Highways to name a portion of Commerce Street; beginning at the corner of 12th and Commerce Streets and ending at the Department of Highways facility located just north of Kroger in

Wellsburg, in Brooke County, the "U. S. Army SGT Roy E. Givens Memorial Road".

**House Concurrent Resolution 61**—Requesting the Division of Highways name Bridge Number: 28-019/00-020.58 () (28A187), (37.43298, -81.11005) locally known as GARDNER ROAD BRIDGE, carrying US 19 over BLUESTONE RIVER in Mercer County, the "Timothy Wayne Farley Memorial Bridge".

The preceding resolutions were referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 11**, Including family court judges in Judges' Retirement System.

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,

Charles S. Trump IV,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Finance.

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 137**, Requiring persons convicted of certain felonies on or after March 8, 1995, provide DNA samples.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 137** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-2B-6 of the Code of West Virginia, 1931, as amended, relating to requiring persons convicted of certain felonies since March 9, 1995, provide a DNA sample.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Com. Sub. for Senate Bill 216** (originating in the Committee on Education), Creating Student Journalist Press Freedom Restoration Act.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Com. Sub. for Senate Bill 216** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, and §18B-21-4, all relating to the creation of the Student Journalist Press Freedom Protection Act; making legislative findings; defining terms; requiring that public colleges and universities allow for the free expression of student journalists in school sponsored media; providing a framework and parameters for free expression; allowing for civil actions in the event that a student journalist's rights are violated; specifying the judicial relief available in an

appeal; and clarifying that provisions of the article do not apply to students and private colleges or universities.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 226**, Allowing substitute teachers who suspect unfair exclusion from certain assignments to request explanation from certain school officials.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 226** (originating in the Committee on Education)—A Bill to amend and reenact §18A-2-3 of the Code of West Virginia, 1931, as amended, relating to requiring that if a substitute teacher requests to meet with the county superintendent due to a suspicion or belief that he or she is being unfairly excluded from certain assignments or all assignments, the county superintendent schedule a meeting with the substitute teacher within 30 days; and limiting frequency of required meetings.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:



Your Committee on Pensions has had under consideration

**Senate Bill 486**, Allowing PERS retirees to designate special needs trust as beneficiary.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 486** (originating in the Committee on Pensions)—A Bill to amend and reenact §5-10-2 and §5-10-24 of the Code of West Virginia, 1931, as amended, all relating to irrevocable special needs trusts; allowing retirees in the Public Employees Retirement System to designate an irrevocable special needs trust as beneficiary; defining terms; and providing for substitution of irrevocable special needs trust as beneficiary post-retirement in certain circumstances

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric Nelson, Jr.,  
*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 488**, Eliminating restrictions on voting rights for formerly incarcerated individuals.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 488** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-2-2 of the Code of West Virginia, 1931, as amended, relating to voting rights of formerly incarcerated individuals; and restoring suffrage for a person incarcerated for a felony conviction upon release.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 523**, Transferring oversight of Jobs Investment Trust Fund to WV Economic Development Authority.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 523** (originating in the Committee on Economic Development)—A Bill to repeal §12-7-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §12-7-2, §12-7-3, §12-7-4, §12-7-5, §12-7-6, §12-7-7, §12-7-9, and §12-7-12 of said code; to amend and reenact §31-15-6 of said code; and to amend and reenact §31-18-20c of said code, all relating to management and control of Jobs Investment Trust to be vested in the West Virginia Economic Development Authority; and terminating the Jobs Investment Trust Board.

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,

Chandler Swope,  
*Chair.*

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the

second committee reference of the bill contained in the foregoing report from the Committee on Economic Development.

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 535**, Providing for revocation of school personnel certification or licensure in certain circumstances.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 535** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §18A-3-6 of the Code of West Virginia, 1931, as amended, relating to revocation of school personnel certification; authorizing the state superintendent to automatically suspend certificates held by a teacher or other certificate holder upon charge or indictment for certain offenses or filing of a petition alleging child abuse; providing for reinstatement of automatically suspended certificate in certain circumstances; extending automatic revocation provisions to certain certificate holders; clarifying that certain revocation provisions are triggered by guilty plea or conviction; providing for automatic revocation of a certificate upon adjudication by a court of competent jurisdiction that a teacher or certificate holder has committed abuse of a child; and providing for reinstatement of automatically revoked certificate when adjudication of abuse of a child is overturned by the Supreme Court of Appeals of West Virginia.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Roberts, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

**Senate Bill 548**, Authorizing Workforce WV employers to obtain employment classifications and work locations.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Rollan A. Roberts,  
*Chair.*

Senator Roberts, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

**Senate Bill 582**, Creating WV Workforce Resiliency Act.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 582** (originating in the Committee on the Workforce)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-33-1, §29-33-2, §29-33-3, and §29-33-4, all relating to creating the West Virginia Workforce Resiliency Act; establishing the West Virginia Workforce Resiliency Office in the Office of the Governor; establishing the position of the West Virginia Workforce Resiliency Officer; setting forth the authority and duties of the West Virginia Workforce Resiliency Officer; and allowing for the West Virginia Workforce Resiliency Officer to hire staff.

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,

Rollan A. Roberts,  
*Chair.*

The bill (Com. Sub. for S. B. 582), under the original double committee reference, was then referred to the Committee on Finance.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 585**, Creating administrative medicine license for physicians not practicing clinical medicine.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 585** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-11c, relating to administrative licenses; and granting rule-making authority related thereto.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 597**, Relating to PSC underground facilities damage prevention and one-call system.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Chandler Swope,  
*Chair.*

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 624**, Making supplementary appropriation to DHHR, Division of Health, Laboratory Services.

**Senate Bill 626**, Supplementing, amending, and increasing existing items of appropriation from State Road Fund to DOT, DMV.

**Senate Bill 627**, Supplementing, amending, and increasing existing item of appropriation from State Road Fund to DOT, DOH.

And,

**Senate Bill 634**, Making supplementary appropriation to DHHR, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 625**, Making supplementary appropriation to DHHR, Division of Health, Vital Statistics Account.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 625** (originating in the Committee on Finance)—A Bill making a supplementary appropriation of public moneys out of the State Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health — The Vital Statistics Account, fund 5144, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

**Senate Bill 641**, Requiring Consolidated Public Retirement Board to set contributions to Deputy Sheriff's Retirement System.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 641** (originating in the Committee on Pensions)—A Bill to amend and reenact §7-14D-7 of the Code

of West Virginia, 1931, as amended, relating to deputy sheriff retirement; allowing the Consolidated Public Retirement Board to set county commission contribution levels; requiring the level to be set actuarially; and providing an effective date.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric Nelson, Jr.,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. House Bill 3303**, Relating to clarifying the process of filling vacancies on ballots.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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 Woodrum:**

**Senate Bill 661**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-115a, relating to licensure of Head Start facilities in this state; and eliminating duplication of efforts.



Referred to the Committee on Health and Human Resources.

**By Senator Hamilton:**

**Senate Bill 662**—A Bill to amend and reenact §7-25-3, §7-25-5, §7-25-6, §7-25-10, and §7-25-15 of the Code of West Virginia, 1931, as amended, all relating to Resort Area Districts; updating definitions and petition procedures; clarifying board nominees qualifications; permitting board members to receive reasonable compensation for service; detailing procedures for expansion of a Resort Area District and providing for local election; and authorizing districts to collect service assessments from property owners for services.

Referred to the Committee on Economic Development.

**By Senator Caputo:**

**Senate Bill 663**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-15F-1, §33-15F-2, §33-15F-3, §33-15F-4, §33-15F-5, §33-15F-6, and §33-15F-7, all relating to requiring medical insurance providers to include infertility services in their policies; making findings; providing for determination of infertility; providing prohibited and permissible limitations on coverage; requiring rulemaking; establishing an effective date; providing for severability; and defining terms.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Nelson:**

**Senate Bill 664**—A Bill to amend and reenact §51-9-4 of the Code of West Virginia, 1931, as amended, relating to the retirement system for judges of courts of record; and changing the contribution levels of every person who is serving, and who elects to participate in this retirement system, on or after July 1, 2014, to no less than three percent and no more than 10 percent of the participant's annual compensation.

Referred to the Committee on Pensions.

**By Senator Woodrum:**

**Senate Bill 665**—A Bill to amend and reenact §3-8-5c, §3-8-9b, and §3-8-10 of the Code of West Virginia, 1931, as amended, all relating to allowing candidate committees and campaign committees to make contributions to affiliated state party executive committees.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 666**—A Bill to amend and reenact §60A-2-204 of the Code of West Virginia, 1931, as amended, all generally relating to regulation of controlled substances; adding the active chemicals in kratom to Schedule I substances; and adding Delta-8 tetrahydrocannabinol to Schedule I.

Referred to the Committee on Health and Human Resources.

**By Senator Plymale:**

**Senate Bill 667**—A Bill to amend and reenact §31G-1A-7 of the Code of West Virginia, 1931, as amended, relating generally to the broadband development fund; relating to creating the Broadband Middle Mile Fund; providing for the administration of the fund, sources of funding for the fund, and the purposes for expenditures from the fund; authorizing expenditures from the fund from collections and pursuant to legislative appropriations; and requiring that any broadband project funded solely by public money be an open access project.

Referred to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 668**—A Bill to amend and reenact §62-12-2 and §62-12-9 of the Code of West Virginia, 1931, as amended, all generally relating to sex offenses; eligibility for probation and parole; conditions on release; clarifying offenses carrying a period of extended supervision; and offenses which limit a convicted person's ability to live in a residence with minor children.

Referred to the Committee on the Judiciary.

**By Senator Jeffries:**

**Senate Joint Resolution 11**—Proposing an amendment to the Constitution of the State of West Virginia, amending and reenacting section 10, article IX thereof, relating to the election of county commissioners, 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.

**By Senator Jeffries:**

**Senate Joint Resolution 12**—Proposing an amendment to the Constitution of the State of West Virginia, amending and reenacting section 6, article XII thereof, relating to the election of school districts, 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 Stover and Roberts offered the following resolution:

**Senate Concurrent Resolution 48**—Requesting the Division of Highways name bridge number 13-060/29-000.01 (13A271) (37.99398, -80.74791), locally known as Reese Bridge, carrying CR 60/29 over Meadow River in Greenbrier County, the "U.S. Army PFC Ronald Lee Berry Memorial Bridge".

Whereas, PFC Ronald Lee Berry was born on March 26, 1950, in Rainelle, Greenbrier County. He was drafted into the U.S. Army, thus beginning his tour of duty during the Vietnam War. He held the rank of Private First Class and was a Combat Engineer, serving with the 1st Infantry Division, 1st Engineer Battalion; and

Whereas, PFC Ronald Lee Berry died on August 10, 1969, as a result of non-hostile action in South Vietnam, Binh Duong Province. He is honored at the Vietnam Veterans Memorial in Washington, D.C. with his name inscribed on the Vietnam Veterans Memorial Wall, Panel 20w, Line 121; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army PFC Ronald Lee Berry and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 13-060/29-000.01 (13A271), (37.99398, -80.74791), locally known as Reese Bridge, carrying CR 60/29 over Meadow River in Greenbrier County, the "U.S. Army PFC Ronald Lee Berry 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 "U.S. Army PFC Ronald Lee Berry 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.

### **Petitions**

Senator Beach presented a petition from the Faculty Senate of Pierpont Community and Technical College, requesting the Governor remove the current Board of Governors.

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 Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

**Senate Bill 669** (originating in the Committee on Pensions)—  
A Bill to amend and reenact §51-9-4 of the Code of West Virginia, 1931, as amended, relating to a change in the contribution levels of

every person who is serving or shall hereafter serve as a judge of any court of record of this state and who elects to participate in this retirement system, on or after July 1, 2014, to no less than three percent and no more than 10 percent of the participant's annual compensation.

And reports the same back with the recommendation that it do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Eric Nelson, Jr.,  
*Chair.*

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

**Senate Bill 670** (originating in the Committee on Pensions)—  
A Bill to amend and reenact §16-5V-6 of the Code of West Virginia, 1931, as amended, relating to the inclusion of newly hired 911 personnel as members of the Emergency Medical Services Retirement System.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Eric Nelson, Jr.,  
*Chair.*

The Senate proceeded to the seventh order of business.

**Com. Sub. for Senate Concurrent Resolution 27**, US Army TSGT Harold William Schmidle Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered,* That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Com. Sub. for Senate Concurrent Resolution 38,** Cox Brothers' Veteran Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered,* That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Senate Concurrent Resolution 47,** Fire Chief Lee Thomas Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Resolution 30,** Designating February 17, 2022, as Corrections Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Clements, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 371,** Authorizing miscellaneous boards and agencies to promulgate legislative rules.

On third reading, coming up in regular order, was read a third time.

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 574**, Relating to WV PEIA.

On third reading, coming up in regular order, with the right having been granted on February 15, 2022, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Eng. Com. Sub. for House Bill 3312**, Establishing a memorial to child labor and child workers who died in the course of employment in this state.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 3312 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Roberts—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3312) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

Thereafter, at the request of Senator Beach, and by unanimous consent, the remarks by Senator Caputo as to the passage of Engrossed Committee Substitute for House Bill 3312 were ordered printed in the Appendix to the Journal.

**Eng. House Bill 4308**, Authorizing disclosure of juvenile information to Crime Victims Compensation Fund for investigation and award of benefits.

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending, and with the right having been granted on yesterday, Wednesday, February 16, 2022, for further amendments to be received on third reading, was read a third time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

## **CHAPTER 14. CLAIMS DUE AND AGAINST THE STATE.**

### **ARTICLE 2A. COMPENSATION AWARDS TO VICTIMS OF CRIMES.**

#### **§14-2A-11a. Application when the victim is the subject of a civil abuse or neglect petition; confidentiality of records.**

(a) An application for benefits on behalf of a minor child who is the subject of a civil abuse and neglect petition may be filed by a foster parent, legal guardian of the minor child, court appointed guardian ad litem, or any person or entity having legal custody of the minor child, including the agency which filed the civil abuse and neglect petition.

(b) All crime victims' compensation fund records and proceedings related to a claim filed on behalf of a minor child who



is the subject of a civil abuse and neglect petition are confidential and may not be disclosed to any person who is not a necessary participant in the proceedings. Information, details, and identities of parties in the claim shall not be published, except in the form of statistical reporting, identified only by claim number, as necessary to satisfy the requirements of federal and state law.

**§14-2A-14. Grounds for denial of claim or reduction of awards; maximum award.**

(a) Except as provided in §14-2A-10(b) of this code, the commissioner may not approve an award of compensation to a claimant who did not file his or her application for an award of compensation within two years after the date of the occurrence of the criminally injurious conduct that caused the injury or death for which he or she is seeking an award of compensation.

(b) The commissioner may not approve an award of compensation if the criminally injurious conduct upon which the claim is based was not reported to a law-enforcement officer or agency or, in the case of sexual offense, the victim did not undergo a forensic medical examination, within 96 hours after the occurrence of the conduct, unless it is determined that good cause existed for the failure to report the conduct or undergo a forensic medical examination within the 96-hour period: *Provided*, That ~~no~~ reporting to a law-enforcement officer or agency or a forensic medical examination is not required if the victim is a juvenile in order for a commissioner to approve an award of compensation: *Provided, however*, That the filing of a civil abuse and neglect petition in a circuit court satisfies the reporting requirement, thereby allowing the minor child who is the subject of the petition to file an application for benefits, with the claims process to proceed in accordance with this code. ~~The agency filing the civil abuse and neglect petition shall file an application for benefits on behalf of the minor child~~

(c) The commissioner may not approve an award of compensation to a claimant who is the offender or an accomplice of the offender who committed the criminally injurious conduct,

nor to any claimant if the award would unjustly benefit the offender or his or her accomplice.

(d) A commissioner, upon a finding that the claimant or victim has not fully cooperated with appropriate law-enforcement agencies or the claim investigator, may deny a claim, reduce an award of compensation, or reconsider a claim already approved.

(e) A commissioner may not approve an award of compensation if the injury occurred while the victim was confined in any state, county, or regional jail, prison, private prison, or correctional facility.

(f) After reaching a decision to approve an award of compensation, but prior to announcing the approval, the commissioner shall require the claimant to submit current information as to collateral sources on forms prescribed by the Clerk of the West Virginia Legislative Claims Commission. The commissioner shall reduce an award of compensation or deny a claim for an award of compensation that is otherwise payable to a claimant to the extent that the economic loss upon which the claim is based is or will be recouped from other persons, including collateral sources, or if the reduction or denial is determined to be reasonable because of the contributory misconduct of the claimant or of a victim through whom he or she claims. If an award is reduced or a claim is denied because of the expected recoupment of all or part of the economic loss of the claimant from a collateral source, the amount of the award or the denial of the claim shall be conditioned upon the claimant's economic loss being recouped by the collateral source: *Provided*, That if it is thereafter determined that the claimant will not receive all or part of the expected recoupment, the claim shall be reopened and an award shall be approved in an amount equal to the amount of expected recoupment that it is determined the claimant will not receive from the collateral source, subject to the limitation set forth in subsection (g) of this section.

(g)(1) Except in the case of death, or as provided in subdivision (2) of this subsection, compensation payable to a victim and to all other claimants sustaining economic loss because of injury to that

victim may not exceed \$35,000 in the aggregate. Compensation payable to all claimants because of the death of the victim may not exceed \$50,000 in the aggregate.

(2) In the event the victim's personal injuries are so severe as to leave the victim with a disability, as defined in Section 223 of the Social Security Act, as amended, as codified in 42 U. S. C. §423, the commission may award an additional amount, not to exceed \$100,000, for special needs attributable to the injury.

(h) If an award of compensation of \$5,000 or more is made to a minor, a guardian shall be appointed pursuant to the provisions of §44-10-1 *et seq.* of this code to manage the minor's estate.

## **ARTICLE 5. RECORD KEEPING AND DATABASE.**

### **§49-5-101. Confidentiality of records; non-release of records; exceptions; penalties.**

(a) Except as otherwise provided in this chapter or by order of the court, all records and information concerning a child or juvenile which are maintained by the Division of ~~Juvenile Services~~ Corrections and Rehabilitation, the Department of Health and Human Resources, a child agency or facility, or court or law-enforcement agency, are confidential and ~~shall~~ may not be released or disclosed to anyone, including any federal or state agency.

(b) Notwithstanding the provisions of subsection (a) of this section or any other provision of this code to the contrary, records concerning a child or juvenile, except adoption records and records disclosing the identity of a person making a complaint of child abuse or neglect, may be made available:

(1) Where otherwise authorized by this chapter;

(2) To:

(A) The child;

(B) A parent whose parental rights have not been terminated;

or

(C) The attorney of the child or parent; and

(D) The Juvenile Justice Commission and its' designees acting in the course of their official duties;

(3) With the written consent of the child or of someone authorized to act on the child's behalf; ~~or~~ and

(4) Pursuant to an order of a court of record. ~~However,~~ :Provided, That the court shall review the record or records for relevancy and materiality to the issues in the proceeding and safety, and may issue an order to limit the examination and use of the records or any part thereof.

(c) In addition to those persons or entities to whom information may be disclosed under subsection (b) of this section, information related to child abuse or neglect proceedings, except information relating to the identity of the person reporting or making a complaint of child abuse or neglect, shall be made available, upon request, to:

(1) Federal, state, or local government entities, or any agent of those entities, including law-enforcement agencies and prosecuting attorneys, having a need for that information in order to carry out its responsibilities under law to protect children from abuse and neglect;

(2) The child fatality review team;

(3) Child abuse citizen review panels;

(4) Multidisciplinary investigative and treatment teams; or

(5) A grand jury, circuit court, or family court, upon a finding that information in the records is necessary for the determination of an issue before the grand jury, circuit court, or family court; and

(6) The West Virginia Crime Victims Compensation Fund and its designees acting in the course of their official duties.

(d) ~~In the event of~~ If there is a child fatality or near fatality due to child abuse and neglect, information relating to a fatality or near

fatality shall be made public by the Department of Health and Human Resources and provided to the entities described in subsection (c) of this section, all under the circumstances described in that subsection. ~~However,~~ :Provided, That information released by the Department of Health and Human Resources pursuant to this subsection may not include the identity of a person reporting or making a complaint of child abuse or neglect. For purposes of this subsection, "near fatality" means any medical condition of the child which is certified by the attending physician to be life threatening.

(e) Except in juvenile proceedings which are transferred to criminal proceedings, law-enforcement records and files concerning a child or juvenile shall be kept separate from the records and files of adults and not included within the court files. Law-enforcement records and files concerning a child or juvenile shall only be open to inspection pursuant to ~~section one hundred three of this article.~~ §49-5-103 of this code.

(f) Any person who willfully violates ~~this~~ the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or confined in jail for not more than six months, or both fined and confined. A person convicted of violating this section is also liable for damages in the amount of \$300, or actual damages, whichever is greater.

(g) Notwithstanding the provisions of this section, or any other provision of this code to the contrary, the name and identity of any juvenile adjudicated or convicted of a violent or felonious crime shall be made available to the public;

(h)(1) Notwithstanding the provisions of this section or any other provision of this code to the contrary, the Division of ~~Juvenile Services~~ Corrections and Rehabilitation may provide access to, and the confidential use of, a treatment plan, court records, or other records of a juvenile to an agency in another state which:

(A) Performs the same functions in that state that are performed by the Division of ~~Juvenile Services~~ Corrections and Rehabilitation in this state;

(B) Has a reciprocal agreement with this state; and

(C) Has legal custody of the juvenile.

(2) A record which is shared under this subsection may only provide information which is relevant to the supervision, care, custody, and treatment of the juvenile.

(3) The Division of ~~Juvenile Services~~ Corrections and Rehabilitation ~~is authorized to~~ may enter into reciprocal agreements with other states and ~~to~~ propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code to implement this subsection; and

(4) Other than the authorization explicitly given in this subsection, this subsection may not be construed to enlarge or restrict access to juvenile records as provided elsewhere in this code.

(i) The records subject to disclosure pursuant to subsection (b) of this section ~~shall~~ may not include a recorded/videotaped interview, as defined in §62-6B-2(6) of this code, the disclosure of which is exclusively subject to ~~the provisions of~~ §62-6B-6 of this code.

(j) Notwithstanding the provisions of subsection (a) of this section, records in the possession of the Division of Corrections and Rehabilitation declared to be confidential by the provisions of subsection (a) of this section may be published and disclosed for use in an employee grievance if the disclosure is done in compliance with subsections (k), (l), and (m) of this section.

(k) Records or information declared confidential by the provisions of this section may not be released for use in a grievance proceeding except:

(1) Upon written motion of a party; and

(2) Upon an order of the Public Employee's Grievance Board entered after an in-camera hearing as to the relevance of the record or information.

(l) If production of confidential records or information is disclosed to a grievant, his or her counsel or representative, pursuant to subsection (k) of this section:

1) The division shall ensure that written records or information is redacted of all identifying information of any juvenile which is not relevant to the resolution of the grievance;

2) Relevant video and audio records may be disclosed without redaction; and

3) Records or other information released to a grievant or his or her counsel or representative pursuant to subsection (k) of this section may only be used for purposes of his or her grievance proceeding and may not be disclosed, published, copied, or distributed for any other purpose, and upon the conclusion of the grievance procedure, returned to the Division of Corrections and Rehabilitation.

(m) If a grievant or the Division of Corrections and Rehabilitation seek judicial review of a decision of the Public Employee's Grievance Board, the relevant confidential records disclosed and used in the grievance proceeding may be used in the appeal proceeding upon entry of an order by the circuit court, the order shall contain a provision limiting disclosure or publication of the records or information to purposes necessary to the proceeding and prohibiting unauthorized use and reproduction.

(n) Nothing in this section may be construed to abrogate the provisions of §29B-1-1 *et seq.* of this code.

Engrossed House Bill 4308, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Roberts—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4308) passed.

At the request of Senator Trump, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the title of the bill was withdrawn.

On motion of Senator Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. House Bill 4308**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §14-2A-11a; to amend and reenact §14-2A-14 of said code; and to amend and reenact §49-5-101 of said code, all relating generally to confidentiality of juvenile records and exceptions thereto; declaring that records in the possession of the Crime Victim Compensation Fund regarding juveniles who are the subject of an abuse or neglect petition are confidential; expanding the class of persons who may apply to the Crime Victim's Fund on behalf of a child who is the subject of a civil abuse and neglect petition; specifying that official records relating to a child or juvenile may be disclosed for evaluation of a Crime Victims' Compensation Fund application; including the Juvenile Justice Commission and its designees acting in the courses of their official duties to the list of persons and entities granted access to confidential juvenile records; granting the West Virginia Crime Victims Compensation Fund and its designees access to certain information related to child abuse or neglect proceedings; granting a current or former employee of the Division of Corrections and Rehabilitation access to relevant juvenile records for purposes of pursuing a grievance; permitting the release of such records only after a hearing to determine relevance, held before the Public Employees Grievance Board; providing for the sealing of such relevant records from public view and the redaction of any identifying information related to the juvenile; placing certain



limitations on the grieving party's use of such records; permitting a grieving party's attorney or representative access to such records; requiring records be returned following conclusion of grievance procedure; requiring a court order for any further use of such records outside of the grievance proceeding; requiring that such court orders limit disclosure to the purposes of the proceeding; and clarifying that nothing in the section may be construed to abrogate the Freedom of Information Act.

*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.

**Senate Bill 213**, Establishing licensed professional counseling compact.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

**Com. Sub. for Com. Sub. for Senate Bill 247**, Relating to certified community behavioral health clinics.

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 268**, Creating exemption from compulsory school attendance for child who participates in learning pod or micro school.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

**Com. Sub. for Senate Bill 438**, Relating generally to WV Security for Public Deposits Act.

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 543**, Creating Unemployment Compensation Insurance Fraud Unit within Workforce WV.

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 584**, Relating to WV Infrastructure and Jobs Development Council.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Eng. House Bill 4048**, WV Keep, Bear and Drive with Arms Act.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Judiciary committee amendment pending and the right for further amendments to be considered on that reading.

**Eng. Com. Sub. for House Bill 4114**, Authorizing certain agencies of the Department of Administration to promulgate legislative rules.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. House Bill 4299**, To prohibit the intentional interference with election processes and creating associated criminal penalties.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 9. OFFENSES AND PENALTIES.**

**§3-9-21. Improper interference with voters' travel to and from the polls; penalties.**

Any person, during hours a polling place is open for any election, who intentionally physically interferes with a voter's travel on the walkways, driveways, and parking areas adjacent to a building in which a polling place is located with the intention to delay, hinder, interrupt, harass, or intimidate a voter shall be guilty of a misdemeanor and fined not more than \$1,000 or confined in jail for not more than one year or both fined and confined.

The bill (Eng. H. B. 4299), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4333**, Relating to the sunset of the Board of Hearing-Aid Dealers and Fitters.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

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:

**Rev. Com. Sub. for Senate Bill 221**, Establishing occupational therapy compact.

**Com. Sub. for Senate Bill 274**, Requiring secretary of DHHR to allocate CPS workers by Bureau of Social Services' district annually.

**Senate Bill 414**, Creating special revenue account for statewide records management program.

**Senate Bill 480**, Relating to DEP Office of Oil and Gas.

**Com. Sub. for Senate Bill 489**, Clarifying amount of deputy sheriff annual salary increase.

**Com. Sub. for Senate Bill 494**, Creating Broadband Carrier Neutral and Open Access Infrastructure Development Fund.

**Senate Bill 529**, Encouraging additional computer science education in WV schools.

**Com. Sub. for Senate Bill 534**, Clarifying that secondary source on insurance is not controlling authority.

**Senate Bill 541**, Requiring homeschooled child's academic assessment be submitted by certain date.

**Com. Sub. for Senate Bill 568**, Relating to health insurance loss ratio information.

**Com. Sub. for Senate Bill 571**, Declaring certain claims to be moral obligations of state.

**Com. Sub. for Senate Bill 573**, Providing system where magistrates shall preside in certain instances outside normal court hours.

**Com. Sub. for Senate Bill 575**, Ensuring that imposition of certain sexual offenses apply to persons working in juvenile facilities.

**Com. Sub. for Senate Bill 593**, Allowing Marshall University's Forensic Analysis Laboratory access and participation in WV DNA database for certain purposes.

**Com. Sub. for Senate Bill 595**, Relating to Dangerousness Assessment Advisory Board.

**Com. Sub. for Senate Bill 598**, Establishing partnerships and aid for at-risk veterans to combat suicide.

**Com. Sub. for Senate Bill 609**, Allowing DOH Commissioner to accept ownership of rented and leased equipment.

**Com. Sub. for Senate Bill 611**, Removing cap on bidder's contract bond.

**Senate Bill 660**, Setting forth standard of care requirements for telehealth practice.

**Eng. House Bill 4060**, Repealing outdated sections of code relating to health.

And,

**Eng. Com. Sub. for House Bill 4369**, Update the telepsychology compact.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Karnes.

The Senate then proceeded to the thirteenth order of business.

Senator Smith called attention to today being the birthday of the senator from Logan and on behalf of the Senate extended felicitations and good wishes to Senator Phillips.

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 16, 2022:

**Senate Bill 252**: Senator Plymale;

**Senate Bill 263**: Senator Maroney;

**Senate Bill 266**: Senator Maroney;

**Senate Bill 424:** Senator Maroney;

**Senate Bill 430:** Senator Maroney;

**Senate Bill 444:** Senator Maroney;

**Senate Bill 468:** Senator Maroney;

**Senate Bill 469:** Senator Maroney;

**Senate Bill 486:** Senator Lindsay;

**Senate Bill 489:** Senator Nelson;

**Senate Bill 494:** Senator Jeffries;

**Senate Bill 571:** Senator Jeffries;

**Senate Bill 647:** Senator Hamilton;

**Senate Bill 652:** Senators Martin, Hamilton, and Smith;

**Senate Bill 659:** Senator Caputo;

**Senate Joint Resolution 10:** Senators Stollings, Caputo, and Lindsay;

**Senate Concurrent Resolution 47:** Senator Jeffries;

And,

**Senate Resolution 30:** Senators Stollings, Plymale, Jeffries, Hamilton, Smith, and Baldwin.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12 Noon, the Senate adjourned until tomorrow, Friday, February 18, 2022, at 9 a.m.

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## FRIDAY, FEBRUARY 18, 2022

The Senate met at 9:03 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 Amy N. Grady, a senator from the fourth district.

Pending the reading of the Journal of Thursday, February 17, 2022,

At the request of Senator Tarr, 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 communications from various state agencies as required by the provisions of law:

Environmental Protection, Department of (Special Reclamation Fund Advisory Council) (§22-1-17)

Ethics Commission (Advisory Opinions) (§6B-2-3)

Senior Services, Bureau of (§16-5P-14)

Tax Appeals, Office of (§11-10A-7)

The Senate 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 4025**—A Bill to amend and reenact §11-13A-3c of the Code of West Virginia, 1931, as

amended, relating to the imposition of the tax on the privilege of severing other natural resources; providing for an exemption from the imposition of the severance tax for a period of 5 years beginning on July 1, 2022, for severing rare earth elements and critical minerals; and defining rare earth elements and critical minerals.

Referred to the Committee on Finance.

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 4329**—A Bill to amend and reenact §44-1-28, §44-1A-1, §44-1A-2, and §44-1A-4 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Small Estate Act; updating definitions; adding a definition of the term "interested person" for purposes of identifying those who have a property right in or a claim against the estate of a decedent or property; and clarifying treatment of real estate of decedents in small estates.

Referred to the Committee on the Judiciary.

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 4562**—A Bill to amend and reenact §18A-2-8 of the Code of West Virginia, 1931, as amended, relating generally to the suspension and dismissal of school personnel by board and the appeals process.

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. House Bill 4578**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-56, relating to authorizing the superintendent to administer the Handle with Care program.



Referred to the Committee on the Judiciary.

### Executive Communications

The Clerk then presented the following communication from His Excellency, the Governor, regarding bills approved by him:



*Jim Justice*  
Governor of West Virginia

February 18, 2022

The Honorable Lee Cassis, Clerk  
West Virginia Senate  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Senate Bill No. Four Hundred Thirty-Six (436), which was presented to me on February 14, 2022.

You will note that I have approved this bill on February 18, 2022.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice  
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 17th day of February, 2022, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**(H. B. 4024)**, Creating a cosmetology apprentice program that allows companies to train employees for practical real-world experience.

**(Com. Sub. for H. B. 4067)**, To make certain agency reports electronic or eliminating certain agency reports altogether.

And,

**(Com. Sub. for H. B. 4276)**, WVU to create a Parkinson's disease registry.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Dean Jeffries,  
*Chair, House Committee.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 64**, Allowing county commissions to impose amusement tax.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 64** (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3uu, relating to allowing county commissions to impose an amusement tax.

And,

**Senate Bill 553**, Relating to powers of WV Health Care Authority.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 553** (originating in the Committee on Government Organization)—A Bill to amend and reenact §16-29B-8, §16-29B-24, and §16-29B-25 of the Code of West Virginia, 1931, as amended, all relating to the powers of the West Virginia Health Care Authority; removing authority to adopt, amend, and repeal policy guidelines; making technical changes; requiring legislative rulemaking regarding the Uniform Bill; permitting fees for custom data request; and requiring the Secretary of the Department of Health and Human Resources to give notice and file legislative rules when assuming the West Virginia Health Care Authority's data repository powers and duties.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

Committee Substitute for Senate Bill 64, under the original double committee reference, was then referred to the Committee on Finance.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the

second committee reference of Committee Substitute for Senate Bill 553 contained in the foregoing report from the Committee on Government Organization.

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 230**, Relating generally to public employees grievance procedure.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 230** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §6C-2-1, §6C-2-2, §6C-2-3, §6C-2-4, and §6C-2-6 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia public employees grievance procedure; defining terms; providing that Division of Personnel may not be a party in certain circumstances; clarifying actions by an agency taken during a declared state of preparedness or emergency or any matter relating to protected classes are not grievable; requiring a notarized grievance form and providing for multiple grievants; providing a grievance must be filed within the time limits specified or it may be dismissed; extending certain time limits; providing for appeal for grievances dismissed for timeliness or lack of jurisdiction; providing the grievance evaluator and the administrative law judge must hold all other proceedings in abeyance until a ruling on motion to dismiss; clarifying that grievances may be consolidated as long as the initial grievance has not been dismissed; providing that proceedings may be rescheduled for good cause shown; requiring grievant representatives provide the names and work location of employees being represented; requiring that employees provide the name and contact information of his or her representative; requiring Division of Personnel receive copies of grievance in certain cases; providing a prevailing party at level three may recover attorney's fees and costs not to exceed \$1,000; and authorizing an administrative law judge to award attorney's fees and costs based on certain findings.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*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 456**, Requiring county boards of education to develop seizure action plans.

And reports the same back without recommendation as to passage; but under the original double committee reference first be referred to the Committee on Education.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Education.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 467**, Creating WV Motorsports Entertainment Complex Investment Act.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 467** (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, §11-29-3, §11-29-4, §11-29-5, and §11-29-6, all relating to establishing the West Virginia Motorsports Entertainment Complex Investment Act; providing legislative findings; defining terms; creating tax exemption; granting rulemaking authority; and providing effective date.

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,

Chandler Swope,  
*Chair.*

The bill (Com. Sub. for S. B. 467), under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Com. Sub. for Senate Bill 470**, Relating generally to health care decisions.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 556**, Removing outdated reference to federal officers' peace-keeping authority.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 586**, Relating to athletic eligibility of transfer students.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 586** (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25e, relating to allowing students to transfer schools and retain their athletic eligibility one time during a student's four years of secondary school.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 619**, Relating to rulemaking for unidentified and unclaimed remains in possession of Chief Medical Examiner.

**Senate Bill 639**, Providing 45-day waiting period on rate increases when water and sewer services are purchased from municipality.

And,

**Senate Bill 640**, Eliminating requirement of PSC to send certain recommended decisions by certified mail.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

At the request of Senator Woelfel, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the fourth order of business.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 628**, Supplementing and amending appropriations to Department of Commerce, DNR.

**Senate Bill 629**, Supplementing and amending appropriations to Department of Education, WV BOE, Vocational Division.



**Senate Bill 630**, Supplementing and amending appropriations to Higher Education Policy Commission, Administration – Control Account.

**Senate Bill 633**, Supplementing and amending appropriations to DHHR, Consolidated Medical Services Fund.

**Senate Bill 636**, Supplementing and amending appropriations to Department of Revenue, Office of Tax Appeals.

And,

**Senate Bill 637**, Supplementing and amending appropriations to Executive, Governor's Office – Civil Contingent Fund.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 643**, Removing residency requirement of members appointed to county airport authority.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 643** (originating in the Committee on Economic Development)—A Bill to amend and reenact §8-29A-2 of the Code of West Virginia, 1931, as amended, relating to removing the residency requirement of some members appointed to a county airport authority.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Chandler Swope,  
*Chair.*

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

**Senate Bill 650**, Eliminating number of royalty owners required for utilization by operator for lawful use and development by co-tenants.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 650** (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §37B-1-4 of the Code of West Virginia, 1931, as amended, relating to amending the number of royalty owners required for utilization by an operator for the lawful use and development by cotenants; and correcting the format of some phrases.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Randy E. Smith,  
*Chair.*

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 651**, Allowing county BOE participating in operation of multicounty vocational center to withdraw.

And reports the same back with the recommendation that it 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

**Eng. Com. Sub. for House Bill 4111**, Relating to the prescriptive authority of advance practice registered nurses.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with amendments from the Committee on Health and Human Resources pending.

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senator Trump:**

**Senate Bill 671**—A Bill to amend and reenact §17A-6F-1, §17A-6F-2, §17A-6F-3, §17A-6F-5, §17A-6F-7, §17A-6F-13, and §17A-6F-15 of the Code of West Virginia, 1931, as amended, all relating to modernizing the regulation of peer-to-peer car-sharing services in West Virginia.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 672**—A Bill to amend and reenact §18B-10-7 of the Code of West Virginia, 1931, as amended, relating to exempting certain military veterans and their dependents from the payment of tuition and fees.

Referred to the Committee on Military; and then to the Committee on Finance.

**By Senator Karnes:**

**Senate Bill 673**—A Bill to amend and reenact §11-13DD-3 of the Code of West Virginia, 1931, as amended, relating to the Farm-to-Food Bank Tax Credit; raising the limit on the tax credit from \$2,500 to \$5,000; and providing that the credit apply retroactively to January 1, 2022.

Referred to the Committee on Finance.

**By Senator Roberts:**

**Senate Bill 674**—A Bill to amend and reenact §16A-7-4 of the Code of West Virginia, 1931, as amended, relating to providing for no more than two licensed laboratories for medical cannabis testing in this state.

Referred to the Committee on Health and Human Resources.

**By Senator Trump:**

**Senate Bill 675**—A Bill to amend and reenact §57-5-7 of the Code of West Virginia, 1931, as amended, relating to requiring the Director of the Administrative Office of the Supreme Court of Appeals to establish a program to certify interpreters.

Referred to the Committee on the Judiciary.

**By Senator Roberts:**

**Senate Bill 676**—A Bill to amend and reenact §18A-4-10 of the Code of West Virginia, 1931, as amended, relating to the \$500 bonus for a classroom teacher who has not used more than four days of personal leave during the employment term; allowing a teacher who uses personal leave to avoid working on a day or days because working that day or those days would conflict with the teacher's sincerely held religious beliefs to apply to exclude the use of one or more personal leave days from the four-day limit when determining the teacher's eligibility for the \$500 bonus; and providing that a person filing a false affidavit stating that his or her working on that day or those days conflicts with his or her sincerely held religious beliefs and that he or she will not or did not perform any other work for remuneration on that day is subject to the penalty for false swearing.

Referred to the Committee on Education.

**By Senator Stollings:**

**Senate Bill 677**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-30; and to amend and reenact §11-19-2 of said code, all relating to funding for supplementing Public Employees Insurance Agency reimbursements up to the Medicare rate; creating Public Employee Insurance Agency Supplemental Reimbursement Fund; providing for the administration of the fund, sources of funding for the fund, requiring the director to promulgate any necessary rules, and requiring an annual report by the Director to the Joint Committee on Government and Finance; modifying the direction of proceeds of the soda tax into special PEIA supplemental fund; and providing for effective dates.

Referred to the Committee on Finance.

**By Senator Phillips:**

**Senate Bill 678**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-

13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, §11-13MM-10, and §11-13MM-11, all relating to establishing a road or highway infrastructure improvement projects or coal production and processing facilities tax credit for taxpayers subject to the tax imposed by §11-13a-3 of this code; specifying a short title; specifying legislative findings and purpose for new credit; defining terms; specifying the amount of the credit, application of credit, and carry forward of unused credit; requiring filing of application for road or highway infrastructure improvement project credit as condition precedent to claiming credit; specifying procedure for application for certification, contents of application and limitation on maximum amount of credits which can be approved; specifying computation of qualified investment in coal production and processing facilities; allowing transfer of credits to successors; providing for forfeiture of unused tax credits and redetermination of credit allowed; providing penalties for failure to maintain records of qualified property; and establishing an effective date.

Referred to the Committee on Finance.

**By Senators Woodrum, Grady, Phillips, Roberts, Stover, and Sypolt:**

**Senate Bill 679**—A Bill to amend and reenact §17B-3-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding a new section, designated §17B-3-14, all relating to requiring notice to be given to the Commissioner of the Division of Motor Vehicles by health care providers or law-enforcement officers when there is reasonable cause to believe that a licensee may be incapable of operating a motor vehicle safely and initiating an investigation of the licensee's condition; mandating reports by health care providers; requiring sworn statement to be filed by a law-enforcement officer upon probable cause; requesting the licensee to submit to a physician's examination; providing for closure if no probable cause is found; mandating a suspension of the license in certain circumstances; requiring for notice to the licensee; providing for a hearing to be conducted; and mandating confidentiality of all statements, reports, recommendations, opinions, or findings.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 680**—A Bill to amend and reenact §5H-1-2 and §5H-1-3 of the Code of West Virginia, 1931, as amended, all relating to adding Division of Corrections and Rehabilitation employees working at institutions managed by the commissioner to the Survivor Benefits Act; defining the qualifying acts for eligibility for payment of survivor benefits for Division of Corrections and Rehabilitation personnel to include, but not be limited to, training functions, administrative meetings, corrections or parole incidents or activities, interactions with inmates, former inmates, inmates or former inmates' family or associates, parolees, former parolees, former parolees' family or associates, and travel to or from any of these activities; and creating a retroactive effective date of March 14, 2020.

Referred to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 681**—A Bill to repeal §30-40-27 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-40-3, §30-40-4, §30-40-5, §30-40-9, §30-40-11, §30-40-12, §30-40-13, §30-40-14, §30-40-15, §30-40-16, §30-40-17, §30-40-18, §30-40-19, §30-40-20, §30-40-21, §30-40-22, §30-40-25, and §30-40-26, all relating generally to revisions in the West Virginia Real License Act.

Referred to the Committee on Government Organization.

**By Senator Maynard:**

**Senate Bill 682**—A Bill to amend and reenact §5B-1A-9 of the Code of West Virginia, 1931, as amended, relating to limiting the liability of persons making land available for public trail use; and specifically adding railroad companies as property owners covered by the limitation.

Referred to the Committee on the Judiciary.

**By Senator Azinger:**

**Senate Bill 683**—A Bill to amend and reenact §46A-4-110 of the Code of West Virginia, 1931, as amended, relating to permit regulated consumer lenders may conduct business other than making loans provided that such subject be to the approval by the commissioner for the Division of Financial Institutions.

Referred to the Committee on Banking and Insurance.

**By Senator Maynard:**

**Senate Bill 684**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-8c, relating to the West Virginia Monument and Memorial Protection Act of 2022; prohibiting the removal, renaming, alteration, or relocation of any statue, monument, memorial, nameplate, plaque, school, street, bridge, building, park, preserve, or reserve recognized by the West Virginia State Historic Preservation Office and which is located on public property and has been erected for, named, or dedicated in honor of, certain historical, military, labor, civil rights, and Native-American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas recognized by the West Virginia State Historic Preservation Office; and authorizing the West Virginia State Historic Preservation Office to grant waivers under certain circumstances.

Referred to the Committee on the Judiciary.

Senator Woelfel offered the following resolution:

**Senate Concurrent Resolution 49**—Urging the Adjutant General to establish an Honor Guard in each National Guard unit to provide military funeral honors to honorably discharged veterans in West Virginia.

Whereas, Per capita, more citizens from West Virginia have served in our nation's armed forces than from any other state and



we are proud of our citizens who, despite danger, have done what they must for peace and freedom; and

Whereas, Providing military funeral honors is one of the last ways to honor those who served; and

Whereas, Military funeral honors are normally provided by the veterans' organization of the state, however, because of the limited number of members and the age of the veterans available, there are many communities unable to provide these services; and

Whereas, With the West Virginia National Guard having some 6,000 members, there should be a designated Honor Guard trained and made available to provide military funeral honors when requested by the family or funeral director, assuring that no West Virginia veteran would be denied their proper honors; and

Whereas, It is always important that we honor the many brave West Virginians who have faced the enemy, been wounded, and have given their lives not only for our freedom but for freedom around the world; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature urges the Adjutant General to establish an Honor Guard in each National Guard unit to provide military funeral honors to honorably discharged veterans in West Virginia; and, be it

*Further Resolved,* That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Honorable Jim Justice, Governor of the State of West Virginia, and to BG William E. Crane.

Which, under the rules, lies over one day.

Senator Smith offered the following resolution:

**Senate Resolution 31**—Designating February 21, 2022, as Pancreatic Cancer Awareness Day.

Whereas, In 2022, an estimated 62,210 people will be diagnosed with pancreatic cancer in the United States, which equates to 170 people every day; and

Whereas, Pancreatic cancer is one of the deadliest cancers and is currently the third leading cause of cancer death in the United States. It is projected to become the second leading cause within the next decade. This cancer has a five-year relative survival rate of only 11 percent; and

Whereas, When symptoms of pancreatic cancer present themselves, it is generally in later stages and 73 percent of pancreatic cancer patients die within the first year of their diagnosis while 89 percent of pancreatic cancer patients die within the first five years; and

Whereas, Approximately 350 deaths will occur in West Virginia in 2022. This is the same disease which claimed the life of former West Virginia Governor William Marland, actor Patrick Swayze, the Queen of Soul, Aretha Franklin, former WVU and Florida State Football Coach Bobby Bowden, and Jeopardy host Alex Trebek, just to name a few; and

Whereas, Pancreatic cancer is the seventh most common cause of cancer-related deaths across the world; and

Whereas, While overall cancer incidences and cancer death rates are declining, pancreatic cancer and death rates for its patients has been increasing. The number of new pancreatic cancer incidences is projected to increase by 55 percent between now and 2030; and

Whereas, The good health and well-being of the residents of West Virginia are enhanced as a direct result of increased awareness about the symptoms, risk factors, research of early detection, causes, and effective treatments; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 21, 2022, as Pancreatic Cancer Awareness Day at the Legislature; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Pancreatic Cancer Awareness Day.

Which, under the rules, lies over one day.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the fourth order of business.

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 685** (originating in the Committee on Government Organization)—A Bill to repeal §30-40-27 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-40-3, §30-40-4, §30-40-5, §30-40-9, §30-40-11, §30-40-12, §30-40-13, §30-40-14, §30-40-15, §30-40-16, §30-40-17, §30-40-18, §30-40-19, §30-40-20, §30-40-21, §30-40-22, §30-40-25, and §30-40-26, all relating generally to West Virginia Real Estate License Act; amending definitions; permitting a salesperson to designate an entity to receive compensation; modifying the applicability of the article; requiring certain fees to be deposited into the treasury of the state daily; eliminating requirements for certain information to be included on applications for licensure; modifying requirements for an application for a broker's license; providing restrictions on the entities that may be issued a salesperson's license; clarifying and amending requirements for prelicense education; modifying requirements for licensing based on licensure in another jurisdiction; modifying continuing education requirements; eliminating certain requirements for persons holding a broker's license; modifying requirements for license certificates issued by Real Estate Commission; requiring a licensed broker to reconcile trust accounts; eliminating a prohibition on financial institutions that maintain trust accounts from requiring a certain minimum balance; clarifying language related to when commission may refuse a license or revoke, suspend, or impose any other sanction against a licensee; modifying the procedure for commission to

administer complaints; eliminating right of judicial review for a person adversely affected by a decision or final order of the commission; clarifying language; clarifying language regarding criminal penalties; clarifying language related to suits for collection of compensation; requiring licensees to disclose in writing whether the licensee represents the seller, the buyer, the seller and the buyer, the landlord, the tenant, or the landlord and the tenant; and repealing an outdated section of code governing the duration of existing licenses.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 48**, US Army PFC Ronald Lee Berry Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the eighth order of business.

**Eng. Senate Bill 213**, Establishing licensed professional counseling compact.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, February 17, 2022, for amendments to be received on third reading, was read a third time.

On motion of Senator Karnes, the following amendment to the bill was reported by the Clerk and adopted:

On page twenty-seven, section fifteen, line seven, after the word "conflict" by changing the period to a colon and inserting the

following proviso: *Provided*, That any rule or bylaw promulgated by the Counseling Compact Commission shall not alter, amend, abolish, or contravene, the scope of practice or standard of care in the state of West Virginia for licensed professional counselors.

The bill, as just amended, was again ordered to engrossment.

Engrossed Senate Bill 213 was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 213) 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 Com. Sub. for Senate Bill 247**, Relating to certified community behavioral health clinics.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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 Com. Sub. for S. B. 247) 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 268**, Creating exemption from compulsory school attendance for child who participates in learning pod or micro school.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, February 17, 2022, for amendments to be received on third reading, was read a third time.

On motions of Senators Trump and Rucker, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page seven, section one, line 159, after the word "together", by inserting the words "in a group of up to 100 students";

On page eight, section one, line 162, after the word "school", by inserting the words "of up to 100 students";

And,

On page eight, section one, line 163, after the word "school", by inserting the words "of up to 100 students".

Following discussion,

The question being on the adoption of the amendments offered by Senators Trump and Rucker to the bill, the same was put and prevailed.

On motion of Senator Baldwin, the following amendment to the bill (Eng. Com. Sub. for S. B. 268) was next reported by the Clerk:

On page ten, section one, lines two hundred twenty-five and two hundred twenty-six, by striking out all of subdivision (8), and inserting in lieu thereof a new subdivision (8), to read as follows:

(8) Learning pods and microschoools are subject to and required to adhere to the provisions of article twenty-eight, chapter eighteen.

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, Brown, Caputo, Geffert, Hamilton, Jeffries, Lindsay, Plymale, Romano, Stollings, Stover, and Woelfel—13.

The nays were: Azinger, Boley, Clements, Grady, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—21.

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 S. B. 268) was next reported by the Clerk:

On page ten, section one, line two hundred twenty-six, after the word "education" by changing the period to a colon and adding the following proviso: *Provided*, That any learning pod or microschoool which has a student requiring special education instruction must comply with the provisions of section eleven, article twenty, chapter eighteen of this code, including, but not limited to, placement of video cameras for the protection of that exceptional student.

Following discussion,

The question being on the adoption of Senator Romano's amendment to the bill, and on this question, Senator Romano demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Brown, Caputo, Clements, Geffert, Hamilton, Jeffries, Lindsay, Maroney, Nelson, Plymale, Romano, Stollings, Stover, Takubo, Trump, Weld, and Woelfel—19.

The nays were: Azinger, Boley, Grady, Karnes, Martin, Maynard, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Tarr, Woodrum, and Blair (Mr. President)—15.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Romano's amendment to the bill adopted.

On motion of Senator Karnes, the following amendment to the bill (Eng. Com. Sub. for S. B. 268) was next reported by the Clerk:

On page ten, section one, lines two hundred sixteen through two hundred eighteen, by striking out all of subdivision (6) and inserting in lieu thereof a new subdivision (6), to read as follows:

(6) The parent, legal guardian, learning pod, or microschool shall submit to the county superintendent the results of the academic assessment of the child with the same frequency prescribed in §18-8-1(c)(2)(E) of this code: *Provided*, That instead of the academic assessment results being submitted individually, the learning pod or microschool may submit the school composite results.

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, as just amended, was again ordered to engrossment.



Engrossed Committee Substitute for Senate Bill 268 was then put upon its passage.

Pending extended discussion,

Senator Martin moved the previous question, which motion prevailed.

The previous question having been ordered, that being on the passage of Engrossed Committee Substitute for Senate Bill 268.

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—21.

The nays were: Baldwin, Beach, Brown, Caputo, Geffert, Hamilton, Jeffries, Lindsay, Plymale, Romano, Stollings, Stover, and Woelfel—13.

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. 268) 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 371**, Authorizing miscellaneous boards and agencies to promulgate legislative rules.

Having been read a third time on yesterday, Thursday, February 17, 2022, and now 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 438**, Relating generally to WV Security for Public Deposits Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Senators Trump and Nelson, respectively, requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Trump and Nelson would be as members of a class of persons and that they would be required to vote.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 438) 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 543**, Creating Unemployment Compensation Insurance Fraud Unit within Workforce WV.

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 543 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Grady, Hamilton,

Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Geffert—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 543) 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 574**, Relating to WV PEIA.

On third reading, coming up in regular order, with the right having been granted on February 15, 2022, for amendments to be received on third reading, was read a third time.

On motion of Senator Takubo, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page one, section thirty, after line three, by adding thereto a new subsection, designated subsection (b), to read as follows:

(b) The plan shall reimburse any emergency medical services provider or agency as defined in §16-4C-1 *et seq.* at rates negotiated between the emergency medical services provider or agency and the plan.;

And,

By relettering the remaining subsections.

Following discussion,

The question being on the adoption of Senator Takubo's amendments to the bill, the same was put and prevailed.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 574 was then put upon its passage.

Pending discussion,

(Senator Trump in the Chair.)

Pending discussion,

(Senator Blair, Mr. President, in the Chair.)

Pending discussion,

The President stated that pursuant to Rule 8 of the Rules of the Senate, which states in part "Every member desiring to speak shall . . . confin[e] oneself to the question under debate. . . .", the debate was out order as debate was now on other matters rather than the pending question before the Senate.

The question being "Shall Engrossed Committee Substitute for Senate Bill 574 pass?"

On this question, the yeas were: Boley, Clements, Maroney, Nelson, Plymale, Rucker, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—14.

The nays were: Azinger, Baldwin, Beach, Brown, Caputo, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Phillips, Roberts, Romano, Smith, Stollings, Stover, and Woelfel—20.

Absent: None.

So, a majority of all the members present and voting not having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 574) rejected.

**Eng. Com. Sub. for Senate Bill 584**, Relating to WV Infrastructure and Jobs Development Council.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 584) 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 4048**, WV Keep, Bear and Drive with Arms Act.

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending, and with the right having been granted on yesterday, Thursday, February 17, 2022, for further amendments to be received on third reading, was read a third time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

## **ARTICLE 2. WILDLIFE RESOURCES.**

### **§20-2-5. Unlawful methods of hunting and fishing and other unlawful acts; Sunday hunting.**

(a) Except as authorized by the director or by law, it is unlawful at any time for any person to:

(1) Shoot at any wild bird or wild animal unless it is plainly visible;

(2) Dig out, cut out, smoke out, or in any manner take or attempt to take any live wild animal or wild bird out of its den or place of refuge;

(3) Use or attempt to use any artificial light or any night vision technology, including image intensification, thermal imaging, or active illumination while hunting, locating, attracting, taking, trapping, or killing any wild bird or wild animal: *Provided*, That it is lawful to hunt or take coyote, fox, raccoon, opossum, or skunk by the use of artificial light or night vision technology, including image intensification, thermal imaging, or active illumination. Any person violating this subdivision is guilty of a misdemeanor and, upon conviction thereof, shall for each offense be fined not less than \$100 nor more than \$500, and shall be confined in jail for not less than 10 days nor more than 100 days;

(4) Hunt, take, kill, wound, harass, or shoot at wild animals or wild birds from an airplane or other airborne conveyance, a drone or other unmanned aircraft, an automobile, or other land conveyance, or from a motor-driven water conveyance;

(5) Use a drone or other unmanned aircraft to hunt, take, wound, harass, transport, or kill a wild bird or wild animal, or to use a drone or other unmanned aircraft to drive or herd any wild bird or wild animal for the purposes of hunting, trapping, or killing;

(6) Take any beaver or muskrat by any means other than a trap;

(7) Catch, capture, take, hunt, or kill by seine, net, bait, trap, or snare or like device a wild turkey, ruffed grouse, pheasant, or quail;

(8) Intentionally destroy or attempt to destroy the nest or eggs of any wild bird or have in his or her possession the nest or eggs;

(9) Carry an uncased or loaded firearm in the woods of this state or in state parks, state forests, state wildlife management areas, or state rail trails with the following permissible exceptions:

(A) A person in possession of a valid license or permit during open firearms hunting season for wild animals and nonmigratory wild birds where hunting is lawful;

(B) A person hunting or taking unprotected species of wild animals, wild birds, and migratory wild birds during the open season, in the open fields, open water, and open marshes of the state where hunting is lawful;

(C) A person carrying a firearm pursuant to §20-2-6 of this code;

(D) A person carrying a firearm for self-defense who is not prohibited from possessing firearms under state or federal law; or

(E) A person carrying a rifle or shotgun for self-defense who is not prohibited from possessing firearms under state or federal law: *Provided*, That this exception does not apply to an uncased rifle or shotgun carried specifically in state park or state forest recreational facilities and marked trails within state park or state forest borders;

~~(10) Possess a loaded rifle or shotgun, a bow with a nocked arrow, or crossbow with a nocked bolt, in or on any vehicle or conveyance, or its attachments. A rifle or shotgun with cartridges that have not been removed or a magazine that has not been detached is considered loaded. For the purposes of this section, a rifle or shotgun whose magazine readily detaches is considered unloaded if the magazine is detached and no cartridges remain in the rifle or shotgun itself;~~

~~(11) Carry any unloaded firearm, bow, or crossbow in or on any vehicle or conveyance, or its attachments, that is not in a case or taken apart and securely wrapped between 30 minutes after sunset until 30 minutes before sunrise: *Provided*, That the time periods for carrying unloaded and uncased firearms or crossbows are extended for one hour after sunset as established in this subdivision, if a person is transporting or transferring the firearms or crossbows to or from a hunting site, campsite, home, or other abode;~~

~~(12)~~ (10) Hunt, catch, take, kill, injure, or pursue a wild animal or wild bird with the use of a ferret;

~~(13)~~ (11) Buy raw furs, pelts, or skins of fur-bearing animals unless licensed to do so;

~~(14)~~ (12) Catch, take, kill, or attempt to catch, take, or kill any fish by any means other than by rod, line, and hooks with natural or artificial lures, unless otherwise authorized by the director: *Provided*, That snaring of any species of sucker, carp, fallfish, and creek chub and catching catfish by hand are lawful if done by a holder of a valid license issued pursuant to §20-2-1 *et seq.* of this code or is exempted from licensure pursuant to §20-2-27 or §20-2-28 of this code;

~~(15)~~ (13) Employ, hire, induce, or persuade, with money, things of value, or by any means, any person to hunt, take, catch, or kill any wild animal or wild bird except those species in which there is no closed season; or to fish for, catch, take, or kill any fish, amphibian, or aquatic life that is protected by rule, or the sale of which is otherwise prohibited;

~~(16)~~ (14) Hunt, catch, take, kill, capture, pursue, transport, possess, or use any migratory game or nongame birds except as permitted by the Migratory Bird Treaty Act, 16 U.S.C. §703 *et seq.*, and its regulations;

~~(17)~~ (15) Kill, take, catch, sell, transport, or have in his or her possession, living or dead, any wild bird other than a game bird, including the plumage, skin, or body of any protected bird, irrespective of whether the bird was captured in or out of this state, except the English or European sparrow (*Passer domesticus*), starling (*Sturnus vulgaris*), and cowbird (*Molothrus ater*), which may be killed at any time;

~~(18)~~ (16) Use dynamite, explosives, or any poison in any waters of the state for the purpose of killing or taking fish. Any person violating this subdivision is guilty of a felony, and upon conviction thereof, shall be fined not more than \$500 or confined for not less



than six months nor more than three years, or both fined and confined;

~~(19)~~ (17) Have a bow and gun, or have a gun and any arrow, in the fields or woods at the same time;

~~(20)~~ (18) Have a crossbow in the woods or fields, or use a crossbow to hunt ~~fox~~, take, or attempt to take any wildlife except as otherwise provided in §20-2-5g and §20-2-42w of this code;

~~(21)~~ (19) Take or attempt to take turkey, bear, elk, or deer with any arrow unless the arrow is equipped with a point having at least two sharp cutting edges measuring in excess of three- fourths of an inch wide;

~~(22)~~ (20) Take or attempt to take any wildlife with an arrow having an explosive head or shaft, a poisoned arrow, or an arrow which would affect wildlife by any chemical action;

~~(23)~~ (21) Shoot an arrow across any public highway;

~~(24)~~ (22) Permit any dog owned or under his or her control to chase, pursue, or follow the tracks of any wild animal or wild bird, day or night, between May 1 and August 15: *Provided*, That dogs may be trained on wild animals and wild birds, except deer and wild turkeys, and field trials may be held or conducted on the grounds or lands of the owner, or by his or her bona fide tenant, or upon the grounds or lands of another person with his or her written permission, or on public lands at any time. Nonresidents may not train dogs in this state at any time except during the legal small game hunting season. A person training dogs may not have firearms or other implements for taking wildlife in his or her possession during the closed season on wild animals and wild birds, except a person carrying a firearm for self-defense who is not prohibited from possessing firearms under state or federal law;

~~(25)~~ (23) Conduct or participate in a trial, including a field trial, shoot-to-retrieve field trial, water race, or wild hunt: *Provided*, That any person, group of persons, club, or organization may hold a trial upon obtaining a permit pursuant to §20-2-56 of this code. The person responsible for obtaining the permit shall prepare and

keep an accurate record of the names and addresses of all persons participating in the trial and make the records readily available for inspection by any natural resources police officer upon request;

~~(26)~~ (24) Hunt, catch, take, kill, or attempt to hunt, catch, take, or kill any wild animal, wild bird, or wild fowl except during open seasons;

~~(27)~~ (25) Hunt or conduct hunts for a fee when the person is not physically present in the same location as the wildlife being hunted within West Virginia; and

~~(28)~~ (26) Catch, take, kill, or attempt to catch, take, or kill any fish by any means within 200 feet of division personnel engaged in stocking fish in public waters.

(b) Notwithstanding any ballot measure relating to Sunday hunting, it is lawful to hunt throughout the State of West Virginia on private lands on Sundays with the written consent of the private landowner pursuant to §20-2-7 of this code, and it is lawful to hunt throughout the State of West Virginia on federal land where hunting is permitted, in state forests, on land owned or leased by the state for wildlife purposes, and on land managed by the state for wildlife purposes pursuant to a cooperative agreement.

Engrossed House Bill 4048, as just amended, was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed House Bill 4048 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Caputo—1.

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. 4048) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. House Bill 4048**—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to removing the criminal prohibitions against carrying loaded long guns, nocked cross bows with a nocked bolt, or bows with a nocked arrow in a motor vehicle; and removing prohibitions against carrying long guns, cross bows, or bows, that are not in a case or taken apart, in motor vehicles during evening hours.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for House Bill 4114**, Authorizing certain agencies of the Department of Administration to promulgate legislative rules.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4114) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4114) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

**Eng. House Bill 4299**, To prohibit the intentional interference with election processes and creating associated criminal penalties.

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 4299 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 4299) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. House Bill 4299**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-9-21, relating to creating the misdemeanor criminal offense of intentionally physically interfering with a voter's travel on walkways, driveways, and parking areas of a polling place with the intent to delay, hinder, harass, interrupt, or intimidate a voter; and establishing penalties.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

On motion of Senator Takubo, at 11:12 a.m., the Senate recessed until 12:30 p.m. today.

The Senate reconvened at 12:39 p.m. and resumed consideration of the remainder of its third reading calendar, the next bill coming up in numerical sequence being

**Eng. Com. Sub. for House Bill 4333**, Relating to the sunset of the Board of Hearing-Aid Dealers and Fitters.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, February 17, 2022, for amendments to be received on third reading, was read a third time.

On motion of Senator Takubo, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 26. HEARING-AID DEALERS AND FITTERS.****§30-26-21. Sunset and transfer of duties provision; effective date.**

The State Board of Hearing-Aid Dealers and Fitters established in this article shall terminate on June 30, 2023, unless continued by the Legislature. Pursuant to §4-10-12 and §4-10-13 of this code, the board shall commence all necessary activities pertinent to the wind-up of all board-related activities. Notwithstanding the termination of the board, the regulation and licensure of hearing aid fitters engaged in the practice of dealing in or fitting of hearing aids under §30-26-1 et seq. of this code shall continue with the exception of §30-26-17(6) of this code. Upon termination of the board, the West Virginia Board of Examiners for Speech-Language Pathology and Audiology shall supervise, regulate, and control the practice of dealing in or fitting of hearing aids in this state. Notwithstanding any other provision of code, hearing aids, meaning any wearable device or instrument intended to aid, improve, or compensate for defective or impaired human hearing, may be advertised for mail-order sale in any advertising medium and sold by mail-order sale to any person in this state upon the effective date of this legislation.

**ARTICLE 32. SPEECH LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS.****§30-32-5. Board of Examiners for Speech-Language Pathology and Audiology**

(a) The West Virginia Board of Examiners for Speech-Language Pathology and Audiology is continued. The members of the board in office on July 1, 2013, may, unless sooner removed, continue to serve until their respective terms expire or until their successors have been appointed and qualified.

(b) The board consists of the following members appointed by the Governor by and with the advice and consent of the Senate:

(1) ~~Two~~ Three persons who are licensed speech-language pathologists;

(2) Two persons who are licensed audiologists; ~~and~~

(3) One person who is a licensed hearing aid fitter; and

~~(3)~~ (4) One citizen member who is not licensed or registered under this article.

(c) The terms are for three years. No member may serve for more than two consecutive terms.

(d) Each licensed member of the board, at the time of his or her appointment, must have held a license in this state for at least three years.

(e) Each member of the board must be a resident of this state during the appointment term.

(f) No board member may serve as an officer of the West Virginia Speech Language and Hearing Association concurrently with his or her service on the board.

(g) A vacancy on the board shall be filled by appointment by the Governor for the unexpired term of the member whose office is vacant.

(h) The Governor may remove any member from the board for neglect of duty, incompetency, or official misconduct.

(i) A licensed member of the board immediately and automatically forfeits membership to the board if his or her license or registration to practice is suspended or revoked.

(j) A member of the board immediately and automatically forfeits membership to the board if he or she is convicted of a felony under the laws of any jurisdiction or becomes a nonresident of this state.

(k) The board shall elect annually one of its members as chairperson and one of its members as secretary-treasurer who shall serve at the will and pleasure of the board.

(l) Each member of the board is entitled to receive compensation and expense reimbursement in accordance with §30-1-1 *et seq.* of this code.

(m) A majority of the members of the board constitutes a quorum.

(n) The board shall hold at least one annual meeting. Other meetings shall be held at the call of the chairperson or upon the written request of four members, at the time and place as designated in the call or request.

(o) Prior to commencing his or her duties as a member of the board, each member shall take and subscribe to the oath required by section five, article four of the Constitution of this state.

(p) Board members are immune from civil liability for the performance of their official duties so long as they act in good faith.

On motion of Senator Lindsay, the following amendment to Senator Takubo's amendment to the bill (Eng. Com. Sub. for H. B. 4333) was reported by the Clerk:

On page one, section twenty-one, line twelve, after the word "legislation" by changing the period to a colon and inserting the following proviso: *Provided*, That any hearing aid requiring a prescription for use may not be sold by mail-order sale in this state.

Following discussion and a point of inquiry to the President, with resultant response thereto,

The question being on the adoption of Senator Lindsay's amendment to Senator Takubo's amendment to the bill, and on this question, Senator Lindsay demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Brown, Caputo, Geffert, Jeffries, Lindsay, Maroney, Plymale, Romano, Stollings, and Woelfel—12.

The nays were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Martin, Maynard, Nelson, Phillips, Roberts, Rucker,



Smith, Stover, 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 Lindsay's amendment to Senator Takubo's amendment to the bill rejected.

The question now being on the adoption of Senator Takubo's amendment to the bill, the same was put and prevailed.

Engrossed Committee Substitute for House Bill 4333, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Boley, Brown, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—26.

The nays were: Baldwin, Beach, Caputo, Geffert, Lindsay, Maroney, Romano, and Woelfel—8.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4333) passed.

On motion of Senator Takubo, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 4333**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-26-21; and to amend and reenact §30-32-5 of said code, all relating to sunsetting the Board of Hearing-Aid Dealers and Fitters; directing wind up and termination of board; continuing licensure and regulation of hearing aid dealers and fitters under board until date of termination, with certain exception; transferring licensure and regulation of hearing aid dealers and

fitters to West Virginia Board of Examiners for Speech-Language Pathology and Audiology upon termination of Board of Hearing-Aid Dealers and Fitters; revising composition of Board of Examiners for Speech-Language Pathology and Audiology; and authorizing advertising and sale of hearing aids by mail upon effective date of legislation.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

On motion of Senator Hamilton, the Senate reconsidered the vote by which in earlier proceedings today it rejected

**Eng. Com. Sub. for Senate Bill 574**, Relating to WV PEIA.

The vote thereon having been reconsidered,

The question again being on the passage of the bill,

Pending discussion,

On motion of Senator Takubo, the bill was referred to the Committee on Rules.

The Senate proceeded to the ninth order of business.

**Rev. Com. Sub. for Senate Bill 221**, Establishing occupational therapy compact.

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 twenty-six, section fourteen, line six, after the word "conflict" by changing the period to a colon and inserting the following proviso: *Provided*, That any rule or bylaw promulgated by the Occupational Therapy Compact Commission shall not alter, amend, abolish, or contravene, the scope of practice or standard of care in the state of West Virginia for occupational therapists and occupational therapy assistants.

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 (Rev. Com. Sub. for S. B. 221), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 274**, Requiring secretary of DHHR to allocate CPS workers by Bureau of Social Services' district annually.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 414**, Creating special revenue account for statewide records management program.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 480**, Relating to DEP Office of Oil and Gas.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 489**, Clarifying amount of deputy sheriff annual salary increase.

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 494**, Creating Broadband Carrier Neutral and Open Access Infrastructure Development Fund.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 529**, Encouraging additional computer science education in WV schools.

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 534**, Clarifying that secondary source on insurance is not controlling authority.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 541**, Requiring homeschooled child's academic assessment be submitted 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 568**, Relating to health insurance loss ratio information.

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 571**, Declaring certain claims to be moral obligations of state.

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 573**, Providing system where magistrates shall preside in certain instances outside normal court hours.

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 575**, Ensuring that imposition of certain sexual offenses apply to persons working in juvenile facilities.

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 593**, Allowing Marshall University's Forensic Analysis Laboratory access and participation in WV DNA database for certain purposes.

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 595**, Relating to Dangerousness Assessment Advisory 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 598**, Establishing partnerships and aid for at-risk veterans to combat suicide.

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 609**, Allowing DOH Commissioner to accept ownership of rented and leased equipment.

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 611**, Removing cap on bidder's contract bond.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 660**, Setting forth standard of care requirements for telehealth practice.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Eng. House Bill 4060**, Repealing outdated sections of code relating to health.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. Com. Sub. for House Bill 4369**, Update the telepsychology compact.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

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 137**, Requiring persons convicted of certain felonies on or after March 8, 1995, provide DNA samples.

**Com. Sub. for Com. Sub. for Senate Bill 216**, Creating Student Journalist Press Freedom Restoration Act.

**Com. Sub. for Senate Bill 226**, Allowing substitute teachers who suspect unfair exclusion from certain assignments to request explanation from certain school officials.

**Com. Sub. for Senate Bill 486**, Allowing PERS retirees to designate special needs trust as beneficiary.

**Com. Sub. for Senate Bill 488**, Eliminating restrictions on voting rights for formerly incarcerated individuals.

**Com. Sub. for Senate Bill 523**, Transferring oversight of Jobs Investment Trust Fund to WV Economic Development Authority.

**Com. Sub. for Senate Bill 535**, Providing for revocation of school personnel certification or licensure in certain circumstances.

**Senate Bill 548**, Authorizing Workforce WV employers to obtain employment classifications and work locations.

**Com. Sub. for Senate Bill 585**, Creating administrative medicine license for physicians not practicing clinical medicine.

**Senate Bill 597**, Relating to PSC underground facilities damage prevention and one-call system.

**Senate Bill 624**, Making supplementary appropriation to DHHR, Division of Health, Laboratory Services.

**Com. Sub. for Senate Bill 625**, Making supplementary appropriation to DHHR, Division of Health, Vital Statistics Account.

**Senate Bill 626**, Supplementing, amending, and increasing existing items of appropriation from State Road Fund to DOT, DMV.

**Senate Bill 627**, Supplementing, amending, and increasing existing item of appropriation from State Road Fund to DOT, DOH.

**Senate Bill 634**, Making supplementary appropriation to DHHR, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations.

**Com. Sub. for Senate Bill 641**, Requiring Consolidated Public Retirement Board to set contributions to Deputy Sheriff's Retirement System.

**Senate Bill 669**, Relating to contribution levels of certain judges who participate in retirement system.

**Senate Bill 670**, Permitting newly hired 911 personnel to participate in Emergency Medical Services Retirement System.

And,

**Eng. House Bill 3303**, Relating to clarifying the process of filling vacancies on ballots.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Karnes, Brown, Rucker, Azinger, Romano, Takubo, Stollings, and Smith.

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senator Brown were ordered printed in the Appendix to the Journal.

At the request of Senator Tarr, unanimous consent being granted, the remarks by Senators Rucker and Azinger were ordered printed in the Appendix to the Journal.

(Senator Rucker in the Chair.)

Remarks were made by Senator Blair (Mr. President).

Thereafter, at the request of Senator Tarr, and by unanimous consent, the remarks by Senator Blair (Mr. President) were ordered printed in the Appendix to the Journal.

(Senator Blair, Mr. President, in the Chair.)

Remarks were made by Senator Caputo.

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 17, 2022:

**Senate Bill 29:** Senator Nelson;

**Senate Bill 137:** Senator Romano;

**Com. Sub. for Senate Bill 216:** Senators Maynard and Rucker;

**Senate Bill 553:** Senators Rucker and Nelson;

**Senate Bill 607:** Senator Maroney;

**Senate Bill 613:** Senator Lindsay;

**Senate Bill 614:** Senator Maroney;



**Senate Bill 619:** Senators Lindsay and Woodrum;

**Senate Bill 620:** Senator Lindsay;

**Senate Bill 622:** Senators Nelson and Caputo;

**Senate Bill 646:** Senator Lindsay;

**Senate Bill 651:** Senators Azinger and Plymale;

**Senate Bill 653:** Senator Lindsay;

**Senate Bill 655:** Senators Lindsay and Maroney;

**Senate Bill 659:** Senator Maroney;

**Senate Bill 663:** Senators Beach, Baldwin, and Lindsay;

**Senate Bill 667:** Senators Stollings, Baldwin, Lindsay, and Caputo;

**Senate Joint Resolution 1:** Senator Maroney;

**Senate Joint Resolution 2:** Senator Maroney;

**Senate Joint Resolution 3:** Senator Maroney;

**Senate Joint Resolution 4:** Senator Maroney;

**Senate Joint Resolution 6:** Senator Maroney;

**Senate Joint Resolution 7:** Senator Maroney;

**Senate Joint Resolution 9:** Senator Maroney;

**Senate Joint Resolution 11:** Senators Lindsay and Baldwin;

**Senate Joint Resolution 12:** Senators Lindsay and Baldwin;

And,

**Senate Concurrent Resolution 48:** Senator Jeffries.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Takubo, at 1:28 p.m. the Senate adjourned until Monday, February 21, 2022, at 11 a.m.

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## MONDAY, FEBRUARY 21, 2022

The Senate met at 11:02 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Dr. Jesse Waggoner, Senior Pastor, Mount Calvary Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Rupie Phillips, a senator from the seventh district.

Pending the reading of the Journal of Friday, February 18, 2022,

At the request of Senator Takubo, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Com. Sub. for Senate Bill 445**, Modifying police and firemen's pension plans for trustees.

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 4077**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-2-141, relating to exempting certain assets from collections by creditors.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4141**—A Bill to amend and reenact §64-6-1 et. seq. of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Homeland Security to promulgate legislative rules; authorizing the rules as filed, as modified, and as amended by the Legislative Rule-Making Review Committee; relating to authorizing the Governor's Committee on Crime, Delinquency and Corrections to promulgate a legislative rule relating to law enforcement training and certification standards; relating to authorizing the Fire Commission to promulgate a legislative rule relating to the Fire Code; relating to authorizing the Fire Commission to promulgate a legislative rule relating to the State Building Code; relating to authorizing the Fire Commission to promulgate a legislative rule relating to volunteer fire department equipment and training grant funding disbursement; relating to authorizing the Fire Commission to promulgate a legislative rule relating to specialized membership; relating to authorizing the Fire Commission to promulgate a legislative rule relating to junior firefighters; relating to authorizing the Fire Commission to promulgate a legislative rule relating to the certification of fire chiefs; relating to authorizing the Fire Commission to promulgate a legislative rule relating to the use of aqueous film-forming foam (AFFF) for fire training program purposes; relating to authorizing the Fire Marshal to promulgate a legislative rule relating to the regulation of fireworks and related explosive materials; and relating to authorizing the State Police to promulgate a legislative rule relating to career progression.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4242**—A Bill to amend and reenact §64-10-1 et. seq. of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Commerce to promulgate legislative rules; authorizing the rules as filed, as modified, and as amended by the Legislative Rule-Making Review Committee; authorizing the Division of Labor to promulgate a legislative rule relating to child labor; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to the safety of those employed in and around surface mines in West Virginia; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to the first-aid training of shaft and slope employees; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to substance abuse screening, standards, and procedures; authorizing the Division of Natural Resources to promulgate a legislative rule relating to the revocation of hunting and fishing licenses; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special motorboating; authorizing the Division of Natural Resources to promulgate a legislative rule relating to public shooting ranges; authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to the commercial sale of wildlife; and authorizing the Division of Natural Resources to promulgate a legislative rule relating to lifetime hunting, trapping, and fishing licenses.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect May 1, 2022, and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4338**—A Bill to amend and reenact §29-22B-1103 of the Code of West Virginia, 1931, as amended, relating to

reducing the annual permit fee for each video lottery terminal owned or leased by a limited video lottery licensee.

Referred to the Committee on Finance.

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 4340**—A Bill to amend and reenact §16-19-9, §16-19-14 and §16-19-22 of the Code of West Virginia, 1931, as amend; and to amend and reenact §61-12-3 of said code, all relating to anatomical gifts; authorizing the Department of Health and Human Resources to be guardian to make an anatomical gift without a court order; clarifying the duties of procurement organization with regard to state medical examiner; requiring the state medical examiner to cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts; authorizing procurement organizations to conduct a test to evaluate the medical suitability of the body part; requiring a prosecuting attorney who denies the release of a body or part that is the subject of an anatomical gift to consult with the procurement organization about the proposed recovery; and authorizing the state's chief medical examiner to enter into agreements with a procurement organization to facilitate the recovery of anatomical gifts.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

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 4406**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9A-5-1, relating to creating a West Virginia Military Hall of Fame to honor veterans of West Virginia who have distinguished themselves on the field of battle.

Referred to the Committee on Military; and then to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4430**—A Bill to amend and reenact §8-22-16 of the Code of West Virginia, 1931, as amended, relating to providing definitions of "base salary" and "overtime and other remuneration" for a policemen's pension and relief fund and a firemen's pension and relief fund.

Referred to the Committee on Pensions; and then to the Committee on Finance.

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. House Bill 4433**—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22-25b, relating to the protection of benefits and assets of members of a policemen's pension and relief fund or a firemen's pension and relief fund from execution, assignment or other process and certain taxes; and providing exceptions.

Referred to the Committee on Pensions; and then to the Committee on the Judiciary.

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. House Bill 4568**—A Bill to amend and reenact §11-24-23a of the Code of West Virginia, 1931, as amended, relating to tax credits for qualified rehabilitation expenditures for certified historic structures; elimination of certain limitations on and allocations of tax credits allowed against corporation net income tax and personal income tax per year and per rehabilitation of a certified historic structure; elimination of allocation of portion of

limited tax credits for certified rehabilitation projects with proposed tax credits of \$500,000; authorizing phased rehabilitations of certified historic structures; authorizing tax credit certificates for completed phases of a phased rehabilitation; providing for recapture of tax credits; removing provisions providing for guarantee of tax credits; and requiring issuance of tax credit certificates based on issuance of Phase Advisory Determination in certain circumstances.

Referred to the Committee on Finance.

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 4583**—A Bill to amend and reenact §39B-1-106 of the Code of West Virginia, 1931, as amended, relating to the validity of a power of attorney; clarifying the definition of "incapacity"; and providing that criminal incarceration or detention outside of the United States may not be inferred as resulting in a lack of capacity to execute a power of attorney.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of the following resolutions:

**House Concurrent Resolution 35**—Requesting the Division of Highways name bridge number bearing Identification Number 04A078, located in Frametown, Braxton County, West Virginia, on County-Route Map 04-021/00-008.14, Latitude 38.635, Longitude -80.86440, approximately 0.01 miles South of West Virginia Route 4 along Frametown Herold Road on County Route 21, "David Allen Drake, Sr. Memorial Bridge".

**House Concurrent Resolution 45**—Requesting the Division of Highways name bridge number 24-005/02-004.51 (24A031), (37.41379, -81.78366), locally known as Avondale Bridge,

carrying CR 5/2 over Dry Fork in McDowell County, the "U. S. Army SP4 Dennis Harvey Roberts Memorial Bridge".

**House Concurrent Resolution 54**—Requesting the Division of Highways name Bridge Number: 02-009/56-000.25 () (02A166), (39.46467,-77.96611) locally known as Raleigh Street over Winchester and Western RR South, carrying CR 9/56 over Winchester & Western RR in Berkeley County, the "Mayor George Karos Bridge".

**House Concurrent Resolution 62**—Requesting the Division of Highways name a portion of road, beginning at Dingess Branch Road at Liberty High School in Beckley to the unincorporated sign in Naoma in Raleigh County, as the "Raymond Jarrell, Jr., Memorial Road".

**House Concurrent Resolution 63**—Requesting the Division of Highways name Bridge Number: 20-060/00-013.99 () (20A146), (38.36623,-81.66858) locally known as PATRICK STREET BRIDGE, carrying US 60 over KANAWHA RIVER & BLVD in Kanawha county., the "U. S. Army Master Sergeant Donald Lewis Coen Memorial Bridge".

**House Concurrent Resolution 64**—Requesting the Division of Highways name a portion of Old Route 73 (39.659317, -79.772097 to 39.658476, -79.645041), in Preston County, West Virginia, the "Robin W. Ames Memorial Road".

**House Concurrent Resolution 65**—Requesting the Division of Highways name Bridge Number: 39-092/00-002.95 () (39A225), (39.33068,-79.85035) locally known as EVANSVILLE BRIDGE, carrying WV 92 over LITTLE SANDY CREEK in Preston county, the "U. S. Army Major Jesse A. Jennings Memorial Bridge".

**House Concurrent Resolution 70**—Requesting the Division of Highways name bridge number 42-022/00-014.01 () (42A251) locally known as Bemis Truss, carrying CR 22 over Shavers Fork Cheat River in Randolph County, the "Calvin H. Shifflett Memorial Bridge".



**House Concurrent Resolution 71**—Requesting the Division of Natural Resources name the waterfall located on North Branch of Short Creek across North Fork Road, County Route 9, from Short Creek United Methodist Church cemetery in Ohio County, West Virginia, "White Angel Falls".

**House Concurrent Resolution 72**—Requesting the Division of Highways name Bridge Number: 04-007/06-002.18 () (04A031), (38.74436,-80.74051) locally known as RIFFLE BRIDGE, carrying CR 7/6 over PERKINS FORK CEDAR CREEK in Braxton county, the "U. S. Army SP5 Dana V. Perkins Memorial Bridge".

**House Concurrent Resolution 73**—Requesting the Division of Highways name a set of twin bridges, number 11349, carrying US Route 35 over County Route 78 and 16-Mile Creek in Mason County, West Virginia as the "Halstead Brothers WWII Veterans Memorial Bridge".

**House Concurrent Resolution 74**—Requesting the Division of Highways name bridge number 21-033/00-018.34 () (21A215), locally known as Hardees Boxbeam, carrying US Route 33 over Stonecoal Creek in Lewis County, the "Judge Les Fury Memorial Bridge".

**House Concurrent Resolution 75**—Requesting the Division of Highways name bridge number 21-1/25-0.01 (11671) (39°2'50' North latitude, 80°27'54' West longitude), which will serve as a replacement for the bridge locally known as the Fourth Street Arch, carrying Fourth Street over the West Fork River in Weston, Lewis County, West Virginia, the "Pastor Glenn F. Lough Memorial Bridge".

**House Concurrent Resolution 76**—Requesting the Division of Highways name bridge number: 22-037/00-003.29 () (22A163), at mile post 3.29, locally known as Fourteen Mile Tub Girder Bridge, carrying WV 37 over Fourteen Mile Creek in Lincoln County, the "U. S. Navy BM1 Farris Burton Memorial Bridge".

The preceding resolutions were referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 430**, Modifying witness fee rate paid by state to match federal court system.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 430** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §59-1-16 of the Code of West Virginia, 1931, as amended, relating to increasing the witness fee to match the witness fee paid in federal court and increasing the mileage rate paid to witnesses.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 463**, Best Interests of Child Protection Act of 2022.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 463** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §48-9-102 of the

Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated § 48-1-102a; to amend and reenact §48-9-203, §48-9-204, §48-9-205, §48-9-206, §48-9-207, §48-9-208, §48-9-209, §48-9-401, §48-9-402, §48-9-602, and §48-9-603 of said code, all relating generally to allocation of legal custody and parenting time in domestic relations matters; establishing collaborative parenting as a goal in allocation of custodial responsibility and decision-making; creating a rebuttable presumption that equal (50-50) custodial allocation is in a child's best interest; requiring specific findings and legal conclusions by the court if equal (50-50) parenting is not granted; establishing criteria for diverging from equal (50-50) custodial allocation when it is sought; authorizing interlocutory appeals to the Intermediate Court of Appeals if the family court refuses all physical custody to a parent or denies equal (50-50) custody when sought; requiring consideration of certain factors in developing a temporary parenting plan; ensuring that permanent parenting plans include provisions for financial support of children; requiring court not to consider temporary allocation of physical custody in final order unless parties agreed on temporary terms; removing provisions requiring consideration of terms in temporary orders when drafting final orders; requiring consideration of parents' ability or inability to work together in allocating significant decision-making responsibilities; clarifying consideration for courts in developing or approving parenting plans; setting forth optional considerations for a court in allocating physical custody of a child; requiring court to designate which parent is entitled to tax deductions and exemptions when equal (50-50) custody is ordered; clarifying that amendments made during regular session of the Legislature, 2022, are prospective; and declaring custodial orders entered prior to the effective date of the amendments to chapter 48 during the regular session of the Legislature, 2022, remain in full force and effect until judicially modified.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

**Senate Bill 622**, Establishing requirements for carbon dioxide sequestration.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 622** (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §22-11A-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §22-11B-1, §22-11B-2, §22-11B-3, §22-11B-4, §22-11B-5, §22-11B-6, §22-11B-7, §22-11B-8, §22-11B-9, §22-11B-10, §22-11B-11, §22-11B-12, §22-11B-13, §22-11B-14, §22-11B-15, §22-11B-16, §22-11B-17, §22-11B-18, and §22-11B-19, all relating to regulating the drilling of injection wells for, and the operation and completion of, underground carbon dioxide storage sites; declaring legislative purpose; defining terms; specifying scope of former program; establishing requirement for permit; providing option for holders of pre-existing permits to pursue permit modifications under prior or new law; specifying application requirements and fees; clarifying that these provisions apply only to underground carbon dioxide sequestration operations and facilities; directing the proposal of legislative rules for permit applications, providing for public notice, participation, and permit hearings; authorizing the proposal of legislative rules for additional purposes to implement this act; authorizing additional conditions in permits and orders; preserving other existing powers of the secretary; preserving rights of existing mineral owners and authorizing cooperative agreements among owners and operators; declaring that carbon dioxide injected into an underground storage facility is not a pollutant; requiring permit holders to provide and update identification and contact information for a local agent; affirming exclusion of enhanced oil, natural gas, or coalbed methane recovery projects using carbon dioxide injection from requirement of underground

carbon dioxide storage permit; specifying requirements for completion of an underground carbon dioxide storage project; directing transfer of ownership to surface owners upon completion of project; providing for liability to transfer to the state; establishing state responsibility for maintenance and monitoring after project completion; establishing the Carbon Dioxide Storage Facility Administrative Fund and the Carbon Dioxide Storage Facility Trust Fund as special revenue accounts and describing the authorized purposes and uses of fund moneys; providing a process for completion of underground carbon dioxide storage projects; requiring annual fees for underground storage or carbon dioxide and a fee to apply for a project completion certificate; providing for cooperative agreements between the Department of Environmental Protection and other government entities for enforcement and regulatory activities; limiting state liability; authorizing the Secretary of the Department of Environmental Protection to make determinations of the amount of carbon dioxide able to be sequestered at a location and to assess fees for that determination; specifying local filing requirements; defining ownership of pore space formations; authorizing entry onto lands to conduct seismic surveys; requiring permit applicants and storage facility operators to identify and obtain consent from potential pore space owners; providing for pooling of interests if the storage operator does not obtain consent of pore space owners for the construction and operation of a storage facility; providing for hearings to establish interests of pore space owners in ownership pools; and providing for assessment of hearing costs.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Randy E. Smith,  
*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 Trump:**

**Senate Bill 686**—A Bill to amend and reenact §31-18-6 and §31-18-9 of the Code of West Virginia, 1931, as amended, relating to clarify the use of notes or bonds of the West Virginia Housing Development Fund and to authorize the allocation from time to time of a portion of its state ceiling allocation under §13-2C-21(b) of said code to political subdivisions or city or county housing authorities authorized to issue bonds or notes for qualified residential rental projects.

Referred to the Committee on Finance.

**By Senator Nelson:**

**Senate Bill 687**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-28, relating to meetings among county boards of education; and establishing procedures for potential consolidation of school districts.

Referred to the Committee on Education.

**By Senator Takubo:**

**Senate Bill 688**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-4F-1, §9-4F-2, §9-4F-3, §9-4F-4, §9-4F-5, §9-4F-6, §9-4F-7, §9-4F-8, and §9-4F-9, all relating to creating the Affordable Medicaid Buy-In Program; requiring the Department of Health and Human Resources to develop and administer the Affordable Medicaid Buy-In Plan; setting eligibility criteria and coverage requirements; specifying role and duties of the Department of Health and Human Resources; establishing an advisory council to the Affordable Medicaid Buy-In Program; defining terms; setting limitations of employers; requiring a full-cost option be available for individuals who do not meet financial qualifications; requiring rulemaking; and mandating application for a federal innovation waiver.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

**By Senators Smith and Phillips:**

**Senate Bill 689**—A Bill to amend and reenact §22A-6-3 of the Code of West Virginia, 1931, as amended, relating to tie votes by the Board of Coal Mine Health and Safety; and providing that the Director of the Office of Miners' Health, Safety and Training or his or her designee may vote to break the tie.

Referred to the Committee on Energy, Industry, and Mining.

**By Senator Baldwin:**

**Senate Bill 690**—A Bill to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating to redefining school zone.

Referred to the Committee on Education.

**By Senator Lindsay:**

**Senate Bill 691**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, §18B-21-4, §18B-21-5, §18B-21-6, §18B-21-7, §18B-21-8, §18B-21-9, and §18B-21-10, all relating to the Student Basic Needs Campus Initiative; establishing the Student Basic Needs Campus Initiative; authorizing the creation of the Student Basic Needs Campus Program office; establishing the duties of the Hunger-Free Campus Program office; authorizing the Student Basic Needs Campus Program office to administer and advise the Chancellor on the Student Basic Needs Campus Grant Program; establishing the requirement for designation as a Student Basic Needs Campus; setting requirements for awarding Student Basic Needs Grants; addressing Student Basic Needs Campus Grant administration; creating the Student Basic Needs Campus Program and Grant Fund; setting forth reporting requirements; and authorizing legislative rules.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Baldwin:**

**Senate Bill 692**—A Bill to amend and reenact §49-2-809 of the Code of West Virginia, 1931, as amended, all relating to expanding the required reporting procedures by the Department of Health and Human Resources to include forwarding the report of any child abuse and neglect of a mandatory reporter to the Community Services Manager of the county.

Referred to the Committee on Health and Human Resources.

**By Senator Tarr:**

**Senate Bill 693**—A Bill to amend and reenact §3-1-9 of the Code of West Virginia, 1931, as amended, relating to clarifying the meeting of voting requirements for political party executive committees.

Referred to the Committee on the Judiciary.

**By Senator Tarr:**

**Senate Bill 694**—A Bill to amend and reenact §22C-9-1, §22C-9-2, §22C-9-3, §22C-9-4, and §22C-9-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22C-9-7a, all relating to oil and gas conservation; providing further declaration of public policy and legislative findings; clarifying the definition of operator; adding further definitions of "wells"; providing an expanded scope of the article; adding a fifth appointee; modifying the rules and notice requirements; and adding a section related to the unitization of interests in horizontal well drilling units.

Referred to the Committee on Finance.

**By Senator Takubo:**

**Senate Bill 695**—A Bill to amend and reenact §46A-7-111 of the Code of West Virginia, 1931, as amended, relating to consumer credit and protection; and clarifying the period for which the Attorney General may seek a civil penalty for violations of the Consumer Credit and Protection Act.

Referred to the Committee on the Judiciary.



**By Senator Karnes:**

**Senate Bill 696**—A Bill to amend and reenact §10-1-20 of the Code of West Virginia, 1931, as amended, relating to aid to libraries by the Library Commission; providing that Library Commission consider the base amount of funding necessary to keep a library operational when determining aid and support.

Referred to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 697**—A Bill to amend and reenact §61-2-14a and §61-2-14g of the Code of West Virginia, 1931, as amended, all relating to the offenses of kidnapping and unlawful restraints generally; clarifying the distinctive elements of the offenses; removing redundant language; and making grammatical corrections.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 698**—A Bill to amend and reenact §9A-1-2 of the Code of West Virginia, 1931, as amended, relating to the number and selection of members for the Governor's Veterans Council.

Referred to the Committee on Military.

**By Senator Maroney:**

**Senate Bill 699**—A Bill to amend and reenact §30-4-1, §30-4-3, §30-4-8a, and §30-4-19 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §30-4-25 and §30-4-26, all relating to the practice of dentistry; defining the practice of dentistry; specifying specific acts that are deemed the practice of dentistry; adding necessary definitions; revising certain definitions and removing unnecessary definitions; adding recently recognized dental specialties; adding additional acts or omissions subject to disciplinary action; providing for registration to practice dentistry or dental hygiene; registrants limited to providing interstate telehealth services; providing that registrants are subject to disciplinary action; adding language concerning orthodontic

treatment; adding required provisions regarding telehealth services; and authorizing certain dentists and dental hygienists to perform certain medical practices and procedures during a declared public health emergency.

Referred to the Committee on Health and Human Resources.

**By Senator Clements:**

**Senate Bill 700**—A Bill to amend and reenact §9-8-2 of the Code of West Virginia, 1931, as amended, relating to eligibility requirements for public assistance; federal waivers from work requirements for able bodied adults without dependents; and removing provision that provided that all counties were ineligible for the waiver.

Referred to the Committee on the Workforce.

**By Senator Weld:**

**Senate Bill 701**—A Bill to amend and reenact §18-19-2 of the Code of West Virginia, 1931, as amended, relating to the eligibility of an active duty service member's child or spouse for tuition-free education through the War Orphan Education Program.

Referred to the Committee on Military.

**By Senator Takubo:**

**Senate Bill 702**—A Bill to amend and reenact §16-2D-8, §16-2D-10, and §16-2D-11 of the Code of West Virginia, 1931, as amended, all relating to certificate of need; eliminating specific certificate of need requirements; creating exemption requirements that do not require an application; and elimination certificate of need exemptions.

Referred to the Committee on Health and Human Resources.

**By Senators Trump and Weld:**

**Senate Bill 703**—A Bill to amend and reenact §60A-2-204; 60A-2-206; 60A-2-210, and 60A-2-212 of the Code of West Virginia, 1931, as amended, all relating to controlled substances, adding the following to the schedule I substance list: N-Methylnorfentanyl(N-(1-Methyl-4-piperidiny)-N-

phenyl-propanamide, monohydrochloride); Norfentanyl (N-Phenyl-N-4-piperidinyl-propanamide); 3-Hydroxy-phencyclidine (other name hydroxy PCP); Marijuana (Cannabis, sp.); FDU-PB-22 (1-Naphthyl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate); FUB-PB-22 (Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate); 5-Fluoro-MN-24 (1-(5-Fluoropentyl)-N-(naphthalen-1-yl)-1H-indole-3-carboxamide); MN-24 (N-(naphthalen-1-yl)-1-pentyl-1H-indole-3-carboxamide); SDB-005 (Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate); SDB-006 (1-Pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide); Methyl-Ethylaminopentiophenone; FUB-AMB (Methyl(1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate); 5-Fluoro-SDB-005 Indole (Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate); 5F-AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide); MMB-CHMICA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoat); MN-24 (N-(naphthalen-1-yl)-1-pentyl-1H-indole-3-carboxamide); SDB-005 (Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate); SDB-006 (1-Pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide); Ethcathinone (2-(ethylamino)-1-phenyl-1-propanone, monohydrochloride); Methyl-Ethylaminopentiophenone; FUB-AMB (Methyl(1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate); 5-Fluoro-SDB-005 Indole (Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate); 5F-AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide); MMB-CHMICA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoat); Bromazolam (8-bromo-1-methyl-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Clonazolam (6-(2-chlorophenyl)-1-methyl-8-nitro-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Cloniprazepam (5-(2-chlorophenyl)-1-(cyclopropylmethyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one); Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine); Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flubromazepam (7-bromo-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one); Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flunitrazolam (6-(2-

fluorophenyl)-1-methyl-8-nitro-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine); Nifoxipam (5-(2-fluorophenyl)-1,3-dihydro-3-hydroxy-7-nitro-2H-1,4-benzodiazepin-2-one); Nitrazolam (1-methyl-8-nitro-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Pyrazolam (8-bromo-1-methyl-6-(2-pyridinyl)-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); 4-CN-CUMYL-BUTINACA (1-(4-Cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide); Alpha-Phenylacetoacetonitrile (3-Oxo-2-phenylbutanenitrile); 2-Fluoro Deschloroketamine (2-(2-Fluorophenyl)-2-(methylamino)-cyclohexanone, monohydrochloride); 4-MEAP (2-(Ethylamino)-1-(4-methylphenyl)pentan-1-one); Bromazolam (8-bromo-1-methyl-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Clonazolam (6-(2-chlorophenyl)-1-methyl-8-nitro-4 H-[1,2,4]triazolo[4,3 a][1,4]benzodiazepine); Cloniprazepam (5-(2-chlorophenyl)-1-(cyclopropylmethyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one); Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f] [1,2,4]triazolo[4,3-a][1,4]diazepine); Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flubromazepam (7-bromo-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one); Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flunitrazolam (6-(2-fluorophenyl)-1-methyl-8-nitro-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine); Nifoxipam (5-(2-fluorophenyl)-1,3-dihydro-3-hydroxy-7-nitro-2H-1,4-benzodiazepin-2-one); Nitrazolam (1-methyl-8-nitro-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Pyrazolam (8-bromo-1-methyl-6-(2-pyridinyl)-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Declazepam (7-Chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2H-1,4-benzodiazepin-2-one); Deschloroetizolam (2-Ethyl-9-methyl-4-phenyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine); Ethcathinone (2-(ethylamino)-1-phenyl-1-propanone, monohydrochloride); Alpha-PHP (1-Phenyl-2-(pyrrolidin-1-yl)hexan-1-one); MPHP (1-(4-Methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one); PV8 (1-Phenyl-2-(pyrrolidin-1-yl)heptan-1-one); 4-Chloro-Alpha-PVP (1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one); N-Ethylhexedrone (2-(Ethylamino)-1-phenylhexan-1-one); Methoxetamine (2-

(Ethylamino)-2-(3-methoxyphenyl)-cyclohexanone); 3-Fluorophenmetrazine (2-(3-Fluorophenyl)-3-methylmorpholine); adding the following to the schedule II list: Norfentanyl; Oliceridine; adding the following to the schedule IV list: Lemborexant; Remimazolam; Serdexmethylphenidate; and removing Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid] from the schedule V list.

Referred to the Committee on Health and Human Resources.

**By Senator Grady:**

**Senate Bill 704**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-27, relating to requiring each classroom teacher to comply with any request by a parent, grandparent, or guardian to inspect any instructional materials and books in the classroom that are available for students to read; requiring, as part of the inspection and upon request of the parent, grandparent, or guardian, that the classroom teacher demonstrate how the supplementary instructional material relates to the content standards adopted by the State Board of Education; requiring the classroom teacher to include any book or books students will be required to read on a class syllabus by the first day of the course; requiring the syllabus to be made available to the parent, grandparent, or guardian upon request; allowing any parent, grandparent, or guardian to file a complaint with the county superintendent if the classroom teacher fails to comply with this new section and then, with the state superintendent, if the complaint is not resolved by the county superintendent within seven days; and requiring a report to the Legislative Oversight Commission on Education Accountability on the number of complaints filed.

Referred to the Committee on Education.

**By Senator Baldwin:**

**Senate Bill 705**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, and §5-30-5, all relating to state recognition of Native American Tribes; defining terms; designating certain tribes as recognized by the state; establishing

criteria for state recognition of additional tribes; authorizing unique trademarks for certain arts and crafts; prohibiting gambling; and providing penalty for unauthorized use of trademark.

Referred to the Committee on Government Organization.

**By Senator Plymale:**

**Senate Bill 706**—A Bill to amend §5-16-25 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5-16-30, all relating to the West Virginia Public Employees Insurance Act; reimbursement of hospital in-patient rates by the plan; naming of funds within the Public Employees Insurance Agency; creating the Supplemental Reimbursement Fund; providing for the administration of the fund, sources of funding for the fund, the purposes for expenditures from the fund; and authorizing expenditures from the fund from collections and pursuant to legislative appropriations.

Referred to the Committee on Health and Human Resources.

**By Senators Roberts and Grady:**

**Senate Bill 707**—A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18A-4-23, all relating to providing minimum experience requirement for director or coordinator of services class title involving school transportation; providing eligibility for candidates for professional employee positions involving supervision of a county transportation department; making any service employee who is certified as a Director or Supervisor of Pupil Transportation by the National Association for Pupil Transportation Certification; and requiring county boards to consider such candidates.

Referred to the Committee on Education.

**By Senators Clements, Nelson, Smith, and Swope:**

**Senate Bill 708**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-17f; relating to costs of relocating public utility facilities for certain highway construction projects; identifying projects that are

subject to this statute; and providing for sharing of relocation costs between the utility and the Division of Highways.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Lindsay:**

**Senate Bill 709**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-7; relating to authorizing the Secretary of the Department of Health and Human Resources to designate positions as critical needs; creating a Critical Needs Position Fund; authorizing salary supplement to critical needs positions; specifying authorized expenditures; granting authority to promulgate necessary rules; and requiring an annual report on the effectiveness of supplementing salaries and filling vacancies.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 710**—A Bill to amend and reenact §16-3-4b of the Code of West Virginia, 1931, as amended, relating to exemptions from COVID-19 immunization; requiring any hospital licensed in this state to reimburse the state in certain circumstances; precluding the use of West Virginia National Guard members as labor replacement without reimbursement in certain circumstances; allowing the adjutant general to set reimbursement rate; allowing the State Auditor to certify the rate; and clarifying that a hospital is a covered employer.

Referred to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 711**—A Bill to amend and reenact §18-2-7f of the Code of West Virginia, 1931, as amended, relating to establishing alternative educational opportunities for elective course credit; requiring the state board to establish, develop, and maintain a program whereby students can earn elective course credit for extended learning opportunities; establishing eligibility

requirements for extended learning opportunity programs; setting forth parameters for the implementation of the program by the state board; providing for an application, denial, and appeals process; allowing for the auditing of approved programs; and providing guidelines for student credit transfers and transportation.

Referred to the Committee on Education.

**By Senator Azinger:**

**Senate Bill 712**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5Y-14, relating to strengthening the regulation of medication-assisted treatment programs; providing for legislative findings; requiring the population of the city, town, or municipality to correspond with number of beds within medication-assisted treatment programs; establishing performance-based standards for medication-assisted treatment programs; establishing a return plan for those participants who have successfully completed the program; and providing for an effective date.

Referred to the Committee on Health and Human Resources.

**By Senator Lindsay:**

**Senate Joint Resolution 13**—Proposing an amendment to the Constitution of the State of West Virginia, amending article VI thereof, by adding a new section designated section 57, relating to establishing a state minimum wage; 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 Baldwin and Woodrum offered the following resolution:

**Senate Concurrent Resolution 50**—Requesting the Division of Highways name bridge number 13-060/29-000.01 (13A271), (37.99398, -80.74791), locally known as Reese Bridge, carrying County Route 60/29 over Meadow River in Greenbrier County, the "U. S. Army CPL John William (J.W.) Cruse Jr. Memorial Bridge".



Whereas, John William (J.W.) Cruse Jr. was born on March 30, 1924, in Oak Hill, West Virginia to John William and Anna Cruse; and

Whereas, CPL John William (J.W.) Cruse Jr. served in the US Army during World War II from July 13th, 1944, to December 18, 1945, he was honorably discharged. During his service, he was a Corporal under George Patton with the 2nd Armored Division nicknamed "Hell on Wheels". While CPL John William (J.W.) Cruse Jr. was serving, he had four brothers also deployed for active duty during WWII; and

Whereas, CPL John William (J.W.) Cruse Jr. received a Purple Heart after being wounded in action on the Rhine River, he was also awarded the Bronze Star; and

Whereas, In a picture taken during his service, CPL John William (J.W.) Cruse Jr. is seen cracking a smile after learning that Germany had surrendered, and the war was over; in that moment, he and his unit were 10 miles outside of Berlin; and

Whereas, CPL John William (J.W.) Cruse Jr. married Margaret Dollie Gipson Cruse in 1951, they had four children; and

Whereas, CPL John William (J.W.) Cruse Jr. raised his family in McRoss, which is just across the bridge proposed to be named in his honor herein; and

Whereas, According to his children, CPL John William (J.W.) Cruse Jr. was a family man who valued Christianity and education, and he was often a quiet man unless he had an opinion because then you would definitely know what he thought; and

Whereas, CPL John William (J.W.) Cruse Jr. passed away on June 5, 2003. He was survived by his wife, Margaret Dolly Cruse, and his children, Rev. Bill Cruse, Judy Cruse Ballangee, Don Cruse, and John Melvin Cruse (d.2004); and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army CPL John William (J.W.) Cruse Jr. and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 13-060/29-000.01 (13A271), (37.99398, -80.74791), locally known as Reese Bridge, carrying County Route 60/29 over Meadow River in Greenbrier County, the "U. S. Army CPL John William (J.W.) Cruse 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 "U. S. Army CPL John William (J.W.) Cruse 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 Grady offered the following resolution:

**Senate Concurrent Resolution 51**—Requesting the Division of Highways name bridge number 11351 (located at 38\*46'52\*N 82\*04'13\*W), carrying Route 35 over Lower Five-mile Creek in Mason County, the "Deputy Kenneth 'Kenny' Ward Love, Sheriff Elvin Eugene 'Pete' Wedge, and Jailer Ernest Ray 'Ernie' Hesson Memorial Bridge".

Whereas, Mason County suffered a devastating tragedy on March 2, 1976, when three local law-enforcement officers lost their lives in the line of duty due to a bombing inside the Mason County Courthouse on Sixth Street in Point Pleasant, West Virginia; and

Whereas, Deputy Kenneth "Kenny" Ward Love was born in Point Pleasant, Mason County, West Virginia on April 14, 1940; and

Whereas, Deputy Kenneth "Kenny" Ward Love was a member of the Fraternal Order of Police – Tue-Endie-Wei #102 and Sheriffs Association of West Virginia. He was a Mason County Sheriff from 1974 to 1976; and

Whereas, Deputy Kenneth "Kenny" Ward Love was killed instantly in the line of duty during the Mason County Courthouse bombing on March 2, 1976; and

Whereas, Sheriff Elvin Eugene "Pete" Wedge was born June 19, 1927, in Point Pleasant, Mason County, West Virginia; and

Whereas, Sheriff Elvin Eugene "Pete" Wedge was a member of the Fraternal Order of Police – Tue-Endie-Wei #102 and Sheriffs Association of West Virginia. He was a Mason County Sheriff from 1974 to 1976; and

Whereas, Sheriff Elvin Eugene "Pete" Wedge convinced the Mason County bomber to release an inmate from her jail cell prior to the bombing, saving her life; and

Whereas, Sheriff Elvin Eugene "Pete" Wedge, in an adjoining cell at the time of the explosion, ultimately died from his injuries resulting from the blast on March 3, 1976; and

Whereas, Jailer Ernest Ray "Ernie" Hesson was born in Glenwood, Mason County, West Virginia on December 4, 1904. He devoted his life to a career in law enforcement, serving under several sheriffs and ultimately winning election as sheriff himself; and

Whereas, Jailer Ernest Ray "Ernie" Hesson was a member of the Fraternal Order of Police – Tue-Endie-Wei #102 and Sheriffs Association of West Virginia, and the United Brothers of Carpenters and Joiners of America; and

Whereas, Jailer Ernest Ray "Ernie" Hesson was serving as a county jailer on March 2, 1976, the day of the bombing. He was locked in a jail cell with the bomber at the time of the blast; and

Whereas, Jailer Ernest Ray "Ernie" Hesson ultimately died from injuries he sustained in the blast on March 9, 1976, after a week in intensive care; and

Whereas, All three men were honorable law-enforcement officers taken too soon due to this unfathomable tragedy; and

Whereas, It is fitting that an enduring memorial be established to commemorate these three men, their family, their sacrifice, and their contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 11351 (located at 38°46'52"N 82°04'13"W), carrying Route 35 over Lower Five-mile Creek in Mason County the "Deputy Kenneth 'Kenny' Ward Love, Sheriff Elvin Eugene 'Pete' Wedge, and Jailer Ernest Ray 'Ernie' Hesson 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 "Deputy Kenneth 'Kenny' Ward Love, Sheriff Elvin Eugene 'Pete' Wedge, and Jailer Ernest Ray 'Ernie' Hesson 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 and to the families of these three men.

Which, under the rules, lies over one day.

Senator Weld offered the following resolution:

**Senate Resolution 32**—Designating February 22, 2022, as Domestic Violence Awareness Day in West Virginia.

Whereas, All people have a right to be safe in their home, school, workplace, college campus, and community; and

Whereas, On average, nearly 20 people per minute are physically abused by an intimate partner in the United States, which in one year equates to more than 10 million women and men; and

Whereas, During the fiscal year 2019-2020, 12,928 individuals were served by one or more of the 14 licensed domestic violence

programs in West Virginia, nine of which also provide rape crisis services; and

Whereas, The West Virginia Child Advocacy Network reports 4,600 children were served at a child advocacy center as a new client indicating a 4.5 percent increase over fiscal year 2019-2020; and

Whereas, Last year 14 licensed domestic violence programs provided 24/7 crisis intervention services in 55 counties including 55,614 shelter nights, 117,127 service hours and 12,080 volunteer hours; and

Whereas, The lifetime economic burden of intimate partner violence among US adults is \$103,767 lifetime cost per female victim and \$23,414 lifetime cost per male victim; and

Whereas, Domestic, sexual violence, and child abuse can be deterred, prevented, and reduced through a large network of private, public, and nonprofit entities working together as coalitions to provide social, legal, medical, educational, and protective services for victims of domestic, sexual violence, and child abuse; and

Whereas, The West Virginia Coalition Against Domestic Violence has been working for 40 years to provide safe space, quality services, and systemic change to give individuals, children, and families options for building lives free from violence; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 22, 2022, as Domestic Violence Awareness Day in West Virginia and commits itself to treating this problem with the seriousness that it deserves and working to achieve solutions that deter, prevent, and reduce domestic violence; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Coalition Against

Domestic Violence and the West Virginia Child Advocacy Network.

Which, under the rules, lies over one day.

Senators Stover, Romano, Martin, Sypolt, and Rucker offered the following resolution:

**Senate Resolution 33**—Recognizing the 150th Anniversary of Glenville State College.

Whereas, In February 1872, the passage of West Virginia Senate Bill 52 allowed for a branch of the State Normal School to be established at Glenville; and

Whereas, The Glenville branch of the West Virginia State Normal School was originally founded in order to provide the educational needs of West Virginian citizens by preparing teachers to serve in classrooms across the state; and

Whereas, Glenville State College has expanded its mission to now prepare students for careers in teaching, business, land resources, criminal justice, music, liberal arts, science, and human services; and

Whereas, Glenville State College continues to be critical to the educational and economic vitality of central West Virginia and beyond through a variety of educational and professional degrees at the associate, bachelor, and now, master's levels; and

Whereas, Glenville State College continues to be a vital resource and provides support for many first generation and rural college students, students of modest means, and students who enter college still deciding their educational and career pathways to the future; and

Whereas, Throughout its 150-year history, the faculty and staff of Glenville State College have served its students with distinction with an individualized, career-focused approach; and

Whereas, Glenville State College students, employees, and alumni actively support their communities financially; and

Whereas, The year 2022 marks the 150th Anniversary of Glenville State College's founding; therefore, be it

*Resolved by the Senate:*

That the Senate hereby extends its sincere appreciation and gratitude to Glenville State College for its contributions to the State of West Virginia; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the president of Glenville State College, Dr. Mark A. Manchin.

Which, under the rules, lies over one day.

Senator Boley offered the following resolution:

**Senate Resolution 34**—Congratulating the St. Marys High School golf team for winning the 2021 Class A State Golf Championship.

Whereas, The St. Marys golf team had an outstanding season on the links culminating in the Blue Devil's winning their third consecutive state championship (2019, 2020, and 2021); and

Whereas, The St. Marys golf team captured their most recent title by edging out runner-up Wheeling Central at Ogelbay Resort's Speidel Course on October 6, 2021; and

Whereas, St. Marys' Brandon Lawhon finished the day with the lowest score of the tournament (+18), earning the Individual State Tournament Medalist; and

Whereas, Brandon Lawhon and Grant Barnhart earned 2021 All-State member recognition; and

Whereas, In route to winning the state championship, St. Marys High School golf team also won the Little Kanawha Conference Championship; and

Whereas, The St. Marys golf team is led by head coach Catie Hamilton, and assistant coach Blaze Armstrong. The team consists of members: Kenzie Armstrong, Grant Barnhart, Ethan Bennett, Brayden Hall, Tyson Kimball, Trent Renner, Brady Rinard, Brandon Lawhon, and Preston Lawhon; therefore, be it

*Resolved by the Senate:*

That the Senate congratulates the St. Marys High School golf team for winning the 2021 Class A State Golf Championship; and be it

*Further Resolved,* That the Clerk forward a copy of this resolution to the St. Marys High School golf team.

Which, under the rules, lies over one day.

Senator Maynard offered the following resolution:

**Senate Resolution 35**—Congratulating the Tug Valley High School Lady Panthers for winning the 2021 Class A State Championship in Girls Basketball.

Whereas, The Tug Valley High School Lady Panthers won the 2021 Class A State Championship in Girls Basketball; it was the first girls basketball title in school history, which was established in 1987; and

Whereas, Much like other teams, the Lady Panthers' season was very challenging due to COVID-19; the team was only able to play 12 of their scheduled 22 regular season games; and

Whereas, The Lady Panthers and their coaching staff also faced several obstacles due to health. Head Coach Clyde Farley's wife, Rhonda, was battling stage 4 liver cancer; she passed away November 15, 2021; her daughter, Brooklyn was a member of the team. Assistant Coach Christa Hall was battling breast cancer during the season; her daughter Autumn was a starter on the team; and



Whereas, The Tug Valley High School Lady Panthers and their coaching staff exhibited extraordinary character, determination, and dedication to persevere over all of these obstacles, which is truly an extraordinary accomplishment; and

Whereas, It was also fitting that the Tug Valley High School Lady Panthers basketball team won the Class A championship on Coach Clyde Farley's birthday, which also happened to be his and Rhonda's anniversary; and

Whereas, The Tug Valley High School Lady Panthers' basketball Class A Championship team was coached by Head Coach Clyde Farley and assistant coaches Seth Ooten, Christa Hall, Eddie May, and Chad Baisden; and

Whereas, The Tug Valley High School Lady Panthers' basketball Class A Championship team members were: Kaitlyn Copley, Brooklyn Farley, Makayla May, Alyssa Newsome, Kaylea Baisden, Audrey Evans, Autumn Hall, Emily Hatfield, Kristen Fields, Haley Gillman, Kaydence Gillman, and Gabby Hatfield; and

Whereas, The Tug Valley High School Lady Panthers' basketball Class A Championship is truly a demonstration of triumph over extreme adversity and is a feature that should be appropriately recognized; therefore, be it

*Resolved by the Senate:*

That the Senate hereby congratulates the Tug Valley High School Lady Panthers girls basketball team for winning the 2021 Class A State Championship; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Tug Valley High School Lady Panthers basketball team.

Which, under the rules, lies over one day.

Senator Maynard offered the following resolution:

**Senate Resolution 36**—Recognizing the Tug Valley Cheerleaders for winning the 2021 Class A state championship.

Whereas, The Tug Valley Lady Panthers won their fourth straight state championship in cheerleading in 2021. It was their eighth title overall. The Lady Panthers were coached by Tara Wolford. The 2021-2022 Tug Valley Panther Cheerleaders Seniors are: Kacey Brewer and Sarah Deaton; Juniors: Maddie Deskins, Talena Centerebury, Cami Thompson, and Maloree Reed; Sophomores: Tailyn Russell, Natalee Jarvis, Jessica Spaulding, Laura Spaulding, Jaden Starr, Selicity Baisden, Kylee Reed, and Karissa Davis; and Freshmen: Chelsea Perry and Ticaran Hurley; and

Whereas, It is fitting of the accomplishments of the Tug Valley Lady Panthers and their coach; therefore, be it

*Resolved by the Senate:*

That the Senate congratulates the Tug Valley Lady Panthers and their coach on their cheerleader accomplishment and their fourth straight title; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to Coach Tara Wolford and each member of the Tug Valley Lady Panthers.

Which, under the rules, lies over one day.

Senator Geffert offered the following resolution:

**Senate Resolution 37**—Recognizing Leadership Berkeley for its services, dedication, and commitment to Berkeley County.

Whereas, The objective of Leadership Berkeley is to promote knowledge and awareness of the problems, opportunities, and issues facing Berkeley County; and

Whereas, Leadership Berkeley is designed to provide a series of educational and participatory experiences, as well as an

opportunity for dialogue and development of relationships among participants in order to encourage growth of Berkeley County; and

Whereas, The membership of Leadership Berkeley includes individuals from nearly every facet of Berkeley County's business, professional, religious, governmental, educational, civic, the arts, and minority organizations who demonstrate a commitment to the community; and

Whereas, The 2022 membership of Leadership Berkeley consists of: Brandy Boyd, City National Bank; Shannon Combs, Bowles Rice; Jeffrey Cross, United Bank; Chasidy Darfus, WVU Medicine; David Deamer, Region 9 Planning & Development; Amy Eakle, Martinsburg-Berkeley County Public Libraries; Keri Goodwin, Panhandle Home Health; Morgan Gower, Blue Ridge Community and Technical College; Timothy Guerino, Martinsburg Rescue Mission; Charli Heilmann, CoxHollidaYoung PLLC; Melissa Knott, City National Bank; Olivia Lana, CNB Bank; Will Lorensen, Berkeley County Council; Mike McCullough, Valley Health; Stacy McFarland, American Red Cross of Greater Shenandoah Valley; Erin Milton, WVU Medicine; Rebecca Russell, City of Martinsburg; Amber Taylor, CoxHollidaYoung PLLC; Donna Van Metre, James Ramsey Technical Institute; Harry Van Metre, Jr., Berkeley County Schools; Sheri Williams, Blue Ridge Community and Technical College; Pamela Wagoner, Depot Florist and Chairperson of the Martinsburg Berkeley County Chamber of Commerce Board of Directors; and Elizabeth Webster, President & CEO of the Martinsburg-Berkeley County Chamber of Commerce; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes Leadership Berkeley for its service, dedication, and commitment to Berkeley County; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials of Leadership Berkeley.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 49**, Establishing Honor Guard in each National Guard unit.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Military.

**Senate Resolution 31**, Designating February 21, 2022, as Pancreatic Cancer Awareness Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Smith, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

The Senate proceeded to the eighth order of business.

**Eng. Rev. Com. Sub. for Senate Bill 221**, Establishing occupational therapy compact.

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, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Baldwin—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Rev. Com. Sub. for S. B. 221) 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 274,** Requiring secretary of DHHR to allocate CPS workers by Bureau of Social Services' district annually.

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, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Baldwin—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 274) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Baldwin—1.

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. 274) takes effect from passage.

*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 371**, Authorizing miscellaneous boards and agencies to promulgate legislative rules.

Having been read a third time on February 17, 2022, and now 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. Senate Bill 414**, Creating special revenue account for statewide records management program.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Baldwin—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 414) 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 480**, Relating to DEP Office of Oil and Gas.

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 Senate Bill 480 pass?"

On the passage of the bill, the yeas were: Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—25.

The nays were: Azinger, Karnes, Martin, Maynard, Nelson, Phillips, Stover, and Tarr—8.

Absent: Baldwin—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 480) 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 489**, Clarifying amount of deputy sheriff annual salary increase.

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 494**, Creating Broadband Carrier Neutral and Open Access Infrastructure Development Fund.

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 494 pass?"

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Baldwin—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 494) 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 529**, Encouraging additional computer science education in WV schools.

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, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Baldwin—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 529) 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 534**, Clarifying that secondary source on insurance is not controlling 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, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Baldwin—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 534) 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 541**, Requiring homeschooled child's academic assessment be submitted by certain date.

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 Senate Bill 541 pass?"

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Woodrum, and Blair (Mr. President)—20.

The nays were: Beach, Brown, Caputo, Geffert, Hamilton, Jeffries, Lindsay, Plymale, Romano, Stollings, Stover, Weld, and Woelfel—13.

Absent: Baldwin—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 541) 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 568**, Relating to health insurance loss ratio information.

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, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Baldwin—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 568) 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 571**, Declaring certain claims to be moral obligations of state.

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, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Baldwin—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 571) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Baldwin—1.

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. 571) takes effect from passage.

*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 573**, Providing system where magistrates shall preside in certain instances outside normal court hours.

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, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Baldwin—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 573) 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 575,** Ensuring that imposition of certain sexual offenses apply to persons working in juvenile facilities.

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, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Baldwin—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 575) 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 593**, Allowing Marshall University's Forensic Analysis Laboratory access and participation in WV DNA database for certain purposes.

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 593 pass?"

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Baldwin—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 593) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Baldwin—1.

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. 593) takes effect from passage.

*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 595**, Relating to Dangerousness Assessment Advisory Board.

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, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Baldwin—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 595) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Baldwin—1.

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. 595) takes effect from passage.

*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 598**, Establishing partnerships and aid for at-risk veterans to combat suicide.

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, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Baldwin—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 598) 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 609**, Allowing DOH Commissioner to accept ownership of rented and leased equipment.

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, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings,

Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Baldwin—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 609) 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 611**, Removing cap on bidder's contract bond.

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, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Baldwin—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 611) 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 660**, Setting forth standard of care requirements for telehealth practice.



On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Eng. House Bill 4060**, Repealing outdated sections of code relating to health.

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, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Baldwin—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4060) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

**Eng. Com. Sub. for House Bill 4369**, Update the telepsychology compact.

On third reading, coming up in regular order, with the right having been granted on February 18, 2022, for amendments to be received on third reading, was read a third time.

There being no amendments offered,

Engrossed Committee Substitute for House Bill 4369 was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Baldwin—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4369) 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.

**Com. Sub. for Senate Bill 137**, Requiring persons convicted of certain felonies on or after March 8, 1995, provide DNA samples.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Com. Sub. for Senate Bill 216**, Creating Student Journalist Press Freedom Restoration Act.

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 226**, Allowing substitute teachers who suspect unfair exclusion from certain assignments to request explanation from certain school officials.

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 referred to the Committee on Rules.

**Com. Sub. for Senate Bill 486**, Allowing PERS retirees to designate special needs trust as beneficiary.

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 488**, Eliminating restrictions on voting rights for formerly incarcerated individuals.

On second reading, coming up in regular order, was reported by the Clerk.

Senator Takubo requested unanimous consent that the bill be referred to the Committee on Rules.

Which consent was not granted, Senator Hamilton objecting.

Thereafter, on motion of Senator Takubo, the bill was referred to the Committee on Rules.

**Com. Sub. for Senate Bill 523**, Transferring oversight of Jobs Investment Trust Fund to WV Economic Development Authority.

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 535**, Providing for revocation of school personnel certification or licensure in certain circumstances.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 548**, Authorizing Workforce WV employers to obtain employment classifications and work locations.

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 585**, Creating administrative medicine license for physicians not practicing clinical medicine.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 597**, Relating to PSC underground facilities damage prevention and one-call system.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 624**, Making supplementary appropriation to DHHR, Division of Health, Laboratory Services.

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 625**, Making supplementary appropriation to DHHR, Division of Health, Vital Statistics Account.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 626**, Supplementing, amending, and increasing existing items of appropriation from State Road Fund to DOT, DMV.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 627**, Supplementing, amending, and increasing existing item of appropriation from State Road Fund to DOT, DOH.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 634**, Making supplementary appropriation to DHHR, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations.

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 641**, Requiring Consolidated Public Retirement Board to set contributions to Deputy Sheriff's Retirement System.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 669**, Relating to contribution levels of certain judges who participate in retirement system.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

**Senate Bill 670**, Permitting newly hired 911 personnel to participate in Emergency Medical Services Retirement System.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

**Eng. House Bill 3303**, Relating to clarifying the process of filling vacancies on ballots.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Judiciary committee amendment pending and the right for further amendments to be considered on that 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 230**, Relating generally to public employees grievance procedure.

**Com. Sub. for Senate Bill 470**, Relating generally to health care decisions.

**Com. Sub. for Senate Bill 553**, Relating to powers of WV Health Care Authority.

**Senate Bill 556**, Removing outdated reference to federal officers' peace-keeping authority.

**Com. Sub. for Senate Bill 586**, Relating to athletic eligibility of transfer students.

**Senate Bill 619**, Relating to rulemaking for unidentified and unclaimed remains in possession of Chief Medical Examiner.

**Senate Bill 628**, Supplementing and amending appropriations to Department of Commerce, DNR.

**Senate Bill 629**, Supplementing and amending appropriations to Department of Education, WV BOE, Vocational Division.

**Senate Bill 630**, Supplementing and amending appropriations to Higher Education Policy Commission, Administration – Control Account.

**Senate Bill 633**, Supplementing and amending appropriations to DHHR, Consolidated Medical Services Fund.

**Senate Bill 636**, Supplementing and amending appropriations to Department of Revenue, Office of Tax Appeals.

**Senate Bill 637**, Supplementing and amending appropriations to Executive, Governor's Office – Civil Contingent Fund.

**Senate Bill 639**, Providing 45-day waiting period on rate increases when water and sewer services are purchased from municipality.

**Senate Bill 640**, Eliminating requirement of PSC to send certain recommended decisions by certified mail.

**Com. Sub. for Senate Bill 643**, Removing residency requirement of members appointed to county airport authority.

**Com. Sub. for Senate Bill 650**, Eliminating number of royalty owners required for utilization by operator for lawful use and development by co-tenants.

**Senate Bill 651**, Allowing county BOE participating in operation of multicounty vocational center to withdraw.

And,

**Senate Bill 685**, Relating to WV Real Estate License Act.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Karnes, Geffert, Romano, and Lindsay.

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senators Geffert and Romano were ordered printed in the Appendix to the Journal.

At the request of Senator Trump, unanimous consent being granted, the remarks by Senator Lindsay 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 18, 2022:

**Senate Bill 230:** Senator Karnes;

**Senate Bill 434:** Senator Jeffries;

**Senate Bill 456:** Senator Rucker;

**Com. Sub. for Senate Bill 470:** Senator Rucker;

**Senate Bill 602:** Senator Rucker;

**Senate Bill 651:** Senators Karnes and Rucker;

**Senate Bill 661:** Senators Sypolt and Grady;

**Senate Bill 671:** Senator Woelfel;

**Senate Bill 672:** Senators Maroney, Stollings, Caputo, and Phillips;

**Senate Bill 673:** Senators Stollings and Baldwin;

**Senate Bill 675:** Senator Lindsay;

**Senate Bill 676:** Senator Rucker;

**Senate Bill 678:** Senator Smith;

**Senate Bill 682:** Senators Woodrum and Woelfel;

**Senate Bill 684:** Senators Martin, Woodrum, and Rucker;

**Senate Concurrent Resolution 49:** Senators Jeffries, Hamilton, Woodrum, Grady, Beach, Phillips, and Lindsay;

And,

**Senate Resolution 31:** Senators Jeffries, Hamilton, Woodrum, Stollings, Caputo, Baldwin, Phillips, and Lindsay.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:42 p.m., the Senate adjourned until tomorrow, Tuesday, February 22, 2022, at 11 a.m.

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## TUESDAY, FEBRUARY 22, 2022

The Senate met at 11:02 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Pastor Paul Coon, Coal Fork United Methodist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert L. Karnes, a senator from the eleventh district.

Pending the reading of the Journal of Monday, February 21, 2022,

At the request of Senator Baldwin, 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 2798**—A Bill to amend and reenact §16-22-3 of the Code of West Virginia, 1931 as amended, relating to requiring the Bureau for Public Health to test for mucopolysaccharidosis type 1 (MPS1).

Referred to the Committee on Health and Human Resources.

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 3122**—A Bill to amend and reenact §16-13D-1, §16-13D-2, §16-13D-3, §16-13D-4, §16-13D-

5, §16-13D-6, §16-13D-8, §16-13D-9, §16-13D-10, §16-13D-11, §16-13D-12, §16-13D-13, §16-13D-14, §16-13D-15, §16-13D-17, and §16-13D-21, of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-13D-22, all relating to the establishment and operation of regional water, wastewater, and stormwater authorities.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect July 1, 2022, of

**Eng. Com. Sub. for House Bill 3220**, Restrictions on Taxpayer funded lobbying.

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 4087**—A Bill to amend and reenact §15A-11-5 of the Code of West Virginia, 1931, as amended, relating to requiring the State Fire Commission to propose rules relating to sprinkler protection, providing that buildings commencing construction after July 1, 2022, housing emergency fire, rescue, or ambulance services shall be protected throughout by approved automatic sprinkler systems; and exempting emergency services buildings meeting certain criteria that only house equipment and do not have sleeping areas or quarters within them from the requirement.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4282**—A Bill to amend and reenact §24-6-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §24-6-15, all relating to establishing next generation 911 services

in this state; providing for expanded definitions; establishing a commission to study next generation 911 services; establishing commission membership and travel rates for meetings; prescribing the duties of the commission; requiring a preliminary report be provided to the Joint Committee on Government and Finance and to the Governor; and establishing an effective date and termination date of the commission.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title of

**Eng. House Bill 4308**, Authorizing disclosure of juvenile information to Crime Victims Compensation Fund for investigation and award of benefits.

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 4348**—A Bill amend and reenact §30-5-11a and §30-5-26 of the Code of West Virginia, 1931, as amended, all relating to the practice of pharmacist care; relating to the qualifications for pharmacy technician trainees; requiring certain information to be included on a prescription; and requiring a prescription change be communicated to a pharmacist.

Referred to the Committee on Health and Human Resources.

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 4418**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-18, relating to the Small Business Supplier Certification Assistance Program; establishing a pilot program for the verification and certification of small business enterprises participating in the government contracting and

procurement process; authorizing the Department of Economic Development to collaborate with Marshall University for purposes of establishing the pilot program; requiring a master plan for the pilot program; and establishing a deadline and reporting requirements for the pilot program.

Referred to the Committee on Economic Development.

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 4488**—A Bill to amend and reenact §22-11-10 of the Code of West Virginia, 1931, as amended, relating to coal mining operations, permitting, and fees paid to the Department of Environmental Protection; increasing certain defined fees for permitting actions; and establishing and defining certain new fees for permitting actions.

Referred to the Committee on Finance.

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 4559**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-12-16; and to amend and reenact §61-12-3, §61-12-5, §61-12-6, §61-12-7, §61-12-10, §61-12-10a, §61-12-11, §61-12-12, §61-12-13, §61-12-14 and §61-12-15 of said Code, all relating to the Office of the Chief Medical Examiner and the disposition of unidentified and unclaimed remains; authorizing the Office of the Chief Medical Examiner to locate lands suitable for use as a cemetery; authorizing the Office of the Chief Medical Examiner to determine the appropriate length of time a decedent may be kept prior to burial or cremation; establishing burial for certain conditions; establishing cremation of certain conditions; authorizing the Chief Medical Examiner or a designee to return a decedent's remains to next of kin and remove a decedent from the cemetery; prohibiting any cause of action against the Office of the

Chief Medical Examiner for disposal of remains consistent with these provisions; providing for the final disposition of unidentified and unclaimed remains in the possession of the Office of the Chief Medical Examiner pursuant to legislative rule; and providing for emergency legislative rulemaking allowing for the final disposition of unidentified and unclaimed remains.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4585**—A Bill to amend and reenact §60A-9-4 of the Code of West Virginia, 1931, as amended, relating to controlled substance monitoring; removing the reporting of an opioid antagonist and removing a dispensing prohibition.

Referred to the Committee on Health and Human Resources.

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 4596**—A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated as §62-11B-7b ; to amend and reenact §15A-7-5 of said Code; to amend and reenact §30-29-1 of said code; to amend and reenact §49-4-719 of said code; to amend and reenact §61-7-11a of said code; to amend and reenact §62-11B-7a of said code; to amend and reenact §62-12-5, of said code; and to amend and reenact §62-12-6 of said code, all relating generally to additional persons qualifying for the provisions of the Law-Enforcement Officers Safety Act; clarifying that home incarceration supervisors, state adult probation officers, juvenile probation officers, and state parole officers are, by virtue of their duties, qualified law enforcement officers who may carry a concealed firearm nationwide, as authorized by the federal Law-Enforcement Officers Safety Act; exempting certain persons from prohibition for carrying deadly weapons on the premises of

educational facilities; providing the statutory authority to give home incarceration supervisors, state probation officers, juvenile probation officers, and parole officers the option to carry firearms pursuant to applicable federal law; requiring annual firearm training pursuant to federal law; removing inconsistent language relating to probation officers; clarifying that supervisory entities retain sole discretion as to authorizing participation of qualified officers in such program; providing for training to enable home incarceration supervisors, state probation officers, juvenile probation officers, and state parole officers to fully qualify as law-enforcement officers if they have not previously done so; setting forth the duties of supervising authorities as to participation of home incarceration supervisors, state probation officers, juvenile probation officers, and state parole officers, and removing a duplicative reference to probation officers in code.

Referred to the Committee on the Judiciary.

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 4631**—A Bill to amend the Code of West Virginia, 1931, by adding thereto a new section, designated §16-21-2, relating to establishing an awareness program; directing the Department of Health and Human Resources to create a website; providing contents of electronic brochure; providing contents of website; and providing for consultation with certain health care providers to promote awareness.

Referred to the Committee on Health and Human Resources.

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. House Bill 4649**—A Bill to repeal §5-16B-6b, §5-16B-6c, and §5-16B-6e of the Code of West Virginia, 1931, as

amended; and to amend and reenact §5-16B-1, §5-16B-2, §5-16B-3, §5-16B-4, §5-16B-5, §5-16B-6, §5-16B-6a, §5-16B-6d, §5-16B-8, §5-16B-9, and §5-16B-10 of said code, all relating to the operation of the West Virginia Children's Health Insurance Program.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 79**—Designating February 21 as the official start day to National FFA Week in West Virginia.

At the request of Senator Takubo, and by unanimous consent, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the consideration of

**Eng. Com. Sub. for House Bill 4369**, Update the telepsychology compact.

Passed by the Senate on yesterday, Monday, February 21, 2022,

The bill still being in the possession of the Senate,

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton,

Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4369) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

### **Executive Communications**

The Clerk then presented the following communication from His Excellency, the Governor, regarding bills approved by him:





*Jim Justice*  
Governor of West Virginia

February 21, 2022

The Honorable Lee Cassis, Clerk  
West Virginia Senate  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Committee Substitute for Senate Bill No. Two Hundred Seventy-Nine (279), which was presented to me on February 16, 2022.

Senate Bill No. Four Hundred Fifty (450), which was presented to me on February 16, 2022.

Senate Bill No. Four Hundred Fifty-One (451), which was presented to me on February 16, 2022.

You will note that I have approved these bills on February 21, 2022.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice  
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk



*Jim Justice*  
*Governor of West Virginia*

February 21, 2022

The Honorable Stephen J. Harrison, Clerk  
West Virginia House of Delegates  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

House Bill No. Two Thousand Three Hundred Twenty-Five (2325), which was presented to me on February 15, 2022.

Committee Substitute for House Bill No. Four Thousand Sixty-Two (4062), which was presented to me on February 15, 2022.

Committee Substitute for House Bill No. Four Thousand Seventy-Four (4074), which was presented to me on February 15, 2022.

You will note that I have approved these bills on February 21, 2022.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice  
Governor

JJ/mh

✓ cc: The Honorable Lee Cassis

The Senate proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 588**, Relating to WV Rails to Trails Program.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 588** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §5B-1A-1, §5B-1A-2, §5B-1A-3, §5B-1A-4, §5B-1A-5, §5B-1A-6, and §5B-1A-9 of the Code of West Virginia, 1931, as amended, all relating to establishing the West Virginia Rail Trails Program consisting of rail-to-trail and rail with trail programs; updating definitions to include a definition of "rail with trail;" expanding State Rail Authority to acquire railroad rights-of-way and land for both trail programs; clarifying that rail-to-trail program may not unreasonably limit ability to restore rail service on railroad rights-of-way; and expanding limitation of and exception to liability to railroad owners under certain circumstances.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 616**, Relating to confidentiality of court files and law-enforcement records of certain enumerated offenses.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 616** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8B-19, relating to the confidentiality of certain court files and law-enforcement records regarding victim identity in enumerated offenses; providing mechanisms for release of otherwise confidential information; permitting the examination or copying of certain files by court order; and obtaining certain files by the issuance of a subpoena duces tecum.

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

**Eng. Com. Sub. for House Bill 4295**, To transfer the State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of Emergency Management.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Government Organization, with amendments from the Committee on Banking and Insurance pending.

The Senate proceeded to the sixth order of business.

Senator Blair (Mr. President) offered the following resolution:

**Senate Resolution 38**—Reaffirming supporting the signing of a Bilateral Trade Agreement (BTA) between the United States and the Republic of China (Taiwan), strengthening the sisterhood partnership between the State of West Virginia and Taiwan, and reaffirming support for Taiwan's meaningful participation and contributions in international organizations.

Whereas, The Republic of China (Taiwan) and the United States have enjoyed a longstanding partnership and share the common values of freedom, democracy, and human rights. In 2021, Taiwan was ranked as the 2nd freest country in Asia by Freedom House and was ranked 6th among 178 world economies in terms of economic freedom by the Heritage Foundation, showcasing Taiwan as a beacon of democracy in East Asia. The West Virginia Legislature supports more democratic countries, such as Lithuania, to pursue closer and greater cooperation with Taiwan; and

Whereas, The State of West Virginia is proud of the sisterhood partnership it has enjoyed with Taiwan since August 4, 1980, marked by strong bilateral trade, investment, educational, and cultural exchanges. In 2022, the State of West Virginia celebrates the 42nd anniversary of the sisterhood partnership with Taiwan and looks forward to an even closer relationship between West Virginia and Taiwan in the future; and

Whereas, The United States and Taiwan have forged even stronger economic relations over the last four decades; with the United States now Taiwan's 2nd largest trading partner and with Taiwan now the 8th largest trading partner of the United States. West Virginia welcomes all opportunities to enhance an even

closer economic partnership and supports Taiwan's efforts to secure the signing of a United States-Taiwan Bilateral Trade Agreement (BTA) to increase West Virginia exports to Taiwan; and

Whereas, In 2020, the trade volume between West Virginia and Taiwan amounted to nearly \$90 million and Taiwan is our 3rd largest source of import and 7th largest export market in Asia, demonstrating that Taiwan is a remarkable trading partner of West Virginia. West Virginia looks forward to reopening its trade office in Taiwan to bring in more Taiwanese investment such as the \$34 million project initiated by the Far Eastern New Century Corporation in 2018; and

Whereas, In December, 2020, the United States and Taiwan signed an (MOU) on International Education Cooperation, aiming at enhancing the bilateral cooperation on international education, particularly in the area of language education. West Virginia encourages American universities to relocate their Chinese language and cultural programs from China to Taiwan to promote a positive learning environment and enhance comprehensive Mandarin language education for American students; and

Whereas, Taiwan has proven to be a very valuable contributor in a broad range of global issues, and it is necessary for Taiwan to be granted meaningful participation in various intergovernmental organizations and mechanisms such as the World Health Organization (WHO), International Civil Aviation Organization (ICAO), United Nation Framework Convention on Climate Change (UNFCCC), and International Criminal Police Organization (INTERPOL); and therefore, be it

*Resolved by the Senate:*

That the Senate of West Virginia reaffirms supporting the signing of a Bilateral Trade Agreement (BTA) between the United States and the Republic of China (Taiwan), strengthening the sisterhood partnership between the state of West Virginia and Taiwan, and reaffirming support for Taiwan's meaningful

participation and contributions in international organizations; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the Honorable James C. Justice II, Governor of West Virginia, and Ms. Bi-khim Hsiao, Representative of the Taipei Economic and Cultural Representative Office in the United States.

Which, under the rules, lies over one day.

Senator Lindsay offered the following resolution:

**Senate Resolution 39**—Recognizing the Emergency Conservation Act that was signed into law on March 31, 1933, by President Franklin D. Roosevelt, which during the next nine years would put to work more than 3 million young men enrolling into the Civilian Conservation Corps (CCC).

Whereas, President Roosevelt extended his personal congratulations for the CCC first accomplishment; the greatest peacetime mobilization of men in United States history; and

Whereas, President Roosevelt believed the CCC would create the greatest conservation program in our country's history; and

Whereas, President Roosevelt further believed the CCC program would also prove to be of moral and spiritual value for the rest of the country; and

Whereas, President Roosevelt's beliefs were judged by history to be correct; and

Whereas, Fifty-five thousand Junior Enrollees served in an average of 26 camps per year in West Virginia. Camp Kanawha, S-76 were occupied on April 8, 1938, by Company 2599, one of the last camps to close on June 30, 1942; and

Whereas, West Virginia Senator Jennings Randolph spoke on September 10, 1983, to CCC Alumni during their 15th Reunion, stating he believed the spirit and substance of the CCC lived on and

their sacrifice and hard work served as a crowning contribution to our country; and

Whereas, Governor John D. Rockefeller IV proclaimed September 10, 1983, as a Day of Recognition (50th Anniversary) for the CCC and called upon all West Virginians to join him in honoring the program; and

Whereas, In 2022, through the collaborative efforts of WVDEP and the WVDNR, Davis Creek, whose headwaters begin in Kanawha State Forest and had been dammed for recreational purposes by the CCC since 1939, is now once again a free-flowing forest stream, providing more opportunities for those with physical challenges than before; and

Whereas, Kanawha State Forest Foundation (KSFF) volunteers and other volunteers played significant roles in the creation of historical kiosks associated with the Stream Restoration Program. For the first time the public will be educated on the CCC story; and

Whereas, KSFF continues to promote projects that provide visitors of every ability to get outside, be active and enjoy a variety of recreational activities, as recognized first in Senate Resolution 64, during the 2020 Session; and

Whereas, KSFF volunteers, welcome other public and corporate volunteers to join us in assisting each and every State Government Department that will be initiating work on KSF's CCC Museum and memorial brick plaza surrounding our American flag, hopefully before the end of this the 18th Anniversary of keeping the Legacy of the Civilian Conservation; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes the Emergency Conservation Act that was signed into law March 31, 1933 by Franklin D. Roosevelt, which during the next nine years would put to work more than 3 million young men enrolling into the Civilian Conservation Corps; and, be it



*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the Kanawha State Forest Foundation.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 50**, US Army CPL John William (J.W.) Cruse Jr. Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Concurrent Resolution 51**, Deputy Kenneth "Kenny" Ward Love, Sheriff Elvin Eugene "Pete" Wedge, and Jailer Ernest Ray "Ernie" Hesson Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Resolution 32**, Designating February 22, 2022, as Domestic Violence Awareness Day in WV.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Weld regarding the adoption of Senate Resolution 32 were ordered printed in the Appendix to the Journal.

**Senate Resolution 33**, Recognizing 150th Anniversary of Glenville State College.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Stover, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, and on this question, Senator Romano demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 33) adopted.

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senator Romano regarding the adoption of Senate Resolution 33 were ordered printed in the Appendix to the Journal.

**Senate Resolution 34**, Congratulating St. Marys High School golf team for winning 2021 Class A State Golf Championship.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Boley, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senator Boley regarding the adoption of Senate Resolution 34 were ordered printed in the Appendix to the Journal.

**Senate Resolution 35**, Congratulating Tug Valley High School Lady Panthers for winning 2021 Class A State Championship in Girls Basketball.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Rules.

**Senate Resolution 36**, Recognizing Tug Valley Cheerleaders for winning 2021 Class A State Championship.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Rules.

**Senate Resolution 37**, Recognizing Leadership Berkeley for its services, dedication, and commitment to Berkeley County.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Geffert, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senator Geffert regarding the adoption of Senate Resolution 37 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 137**, Requiring persons convicted of certain felonies on or after March 8, 1995, provide DNA samples.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith,

Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 137) 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 Com. Sub. for Senate Bill 216,** Creating Student Journalist Press Freedom Restoration Act.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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 Com. Sub. for S. B. 216) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings,

Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 216) takes effect from passage.

*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 371**, Authorizing miscellaneous boards and agencies to promulgate legislative rules.

Having been read a third time on February 17, 2022, and now 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 486**, Allowing PERS retirees to designate special needs trust as beneficiary.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 486) 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 489**, Clarifying amount of deputy sheriff annual salary increase.

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 523**, Transferring oversight of Jobs Investment Trust Fund to WV Economic 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, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 523) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 523) takes effect from passage.

*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 535**, Providing for revocation of school personnel certification or licensure in certain circumstances.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 535) 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 548**, Authorizing Workforce WV employers to obtain employment classifications and work locations.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 548) 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 585**, Creating administrative medicine license for physicians not practicing clinical medicine.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 585) 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 597**, Relating to PSC underground facilities damage prevention and one-call system.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 597) 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 624**, Making supplementary appropriation to DHHR, Division of Health, Laboratory Services.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith,

Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 624) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 624) takes effect from passage.

*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 625**, Making supplementary appropriation to DHHR, Division of Health, Vital Statistics Account.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith,

Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 625) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 625) 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 626**, Supplementing, amending, and increasing existing items of appropriation from State Road Fund to DOT, DMV.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith,

Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 626) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 626) 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 627**, Supplementing, amending, and increasing existing item of appropriation from State Road Fund to DOT, DOH.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith,

Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 627) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 627) 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 634**, Making supplementary appropriation to DHHR, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith,

Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 634) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 634) takes effect from passage.

*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 641,** Requiring Consolidated Public Retirement Board to set contributions to Deputy Sheriff's Retirement System.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith,

Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 614) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2023.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 614) takes effect July 1, 2023.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Plymale, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

**Eng. Senate Bill 660**, Setting forth standard of care requirements for telehealth practice.

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. Senate Bill 669**, Relating to contribution levels of certain judges who participate in retirement system.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, February 21, 2022, for amendments to be received on third reading, was read a third time.

On motion of Senator Nelson, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY  
OF THE GOVERNOR, SECRETARY OF STATE AND  
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;  
MISCELLANEOUS AGENCIES, COMMISSIONS,  
OFFICES, PROGRAMS, ETC.**

**ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES  
RETIREMENT ACT.**

**§5-10-14. Service credit; retroactive provisions.**

(a) The board of trustees shall credit each member with the prior service and contributing service to which he or she is entitled based upon rules adopted by the board of trustees and based upon the following:

(1) In no event may less than ten days of service rendered by a member in any calendar month be credited as a month of service: *Provided*, That for employees of the State Legislature whose term of employment is otherwise classified as temporary and who are employed to perform services required by the Legislature for its



regular sessions or during the interim between regular sessions and who have been or are employed during regular sessions or during the interim between regular sessions in seven consecutive calendar years, service credit of one month shall be awarded for each ten days employed in the interim between regular sessions, which interim days shall be cumulatively calculated so that any ten days, regardless of calendar month or year, shall be calculated toward any award of one month of service credit;

(2) Except for hourly employees, and those persons who first become members of the retirement system on or after July 1, 2015, ten or more months of service credit earned in any calendar year shall be credited as a year of service: *Provided*, That no more than one year of service may be credited to any member for all service rendered by him or her in any calendar year and no days may be carried over by a member from one calendar year to another calendar year where the member has received a full-year credit for that year; and

(3) Service may be credited to a member who was employed by a political subdivision if his or her employment occurred within a period of thirty years immediately preceding the date the political subdivision became a participating public employer.

(b) The board of trustees shall grant service credit to employees of boards of health, the Clerk of the House of Delegates and the Clerk of the State Senate or to any former and present member of the State Teachers Retirement System who have been contributing members in the Public Employees Retirement System for more than three years, for service previously credited by the State Teachers Retirement System and shall require the transfer of the member's accumulated contributions to the system and shall also require a deposit, with reinstatement interest as set forth in the board's Rule, Refund, Reinstatement, Retroactive Service, Loan and Correction of Error Interest Factors, 162 C. S. R. 7, of any withdrawals of contributions any time prior to the member's retirement. Repayment of withdrawals shall be as directed by the Board of Trustees.

(c) Court reporters who are acting in an official capacity, although paid by funds other than the county commission or State Auditor, may receive prior service credit for time served in that capacity.

(d) Active members who previously worked in Comprehensive Employment and Training Act (CETA) may receive service credit for time served in that capacity: *Provided*, That in order to receive service credit under the provisions of this subsection the following conditions must be met: (1) The member must have moved from temporary employment with the participating employer to permanent full-time employment with the participating employer within one hundred twenty days following the termination of the member's CETA employment; (2) the board must receive evidence that establishes to a reasonable degree of certainty as determined by the board that the member previously worked in CETA; and (3) the member shall pay to the board an amount equal to the employer and employee contribution plus interest at the amount set by the board for the amount of service credit sought pursuant to this subsection: *Provided, however*, That the maximum service credit that may be obtained under the provisions of this subsection is two years: *Provided further*, That a member must apply and pay for the service credit allowed under this subsection and provide all necessary documentation by March 31, 2003: *And provided further*, That the board shall exercise due diligence to notify affected employees of the provisions of this subsection.

(e) (1) Employees of the State Legislature whose terms of employment are otherwise classified as temporary and who are employed to perform services required by the Legislature for its regular sessions or during the interim time between regular sessions shall receive service credit for the time served in that capacity in accordance with the following: For purposes of this section, the term "regular session" means day one through day sixty of a sixty-day legislative session or day one through day thirty of a thirty-day legislative session. Employees of the State Legislature whose term of employment is otherwise classified as temporary and who are employed to perform services required by the Legislature for its regular sessions or during the interim time

between regular sessions and who have been or are employed during regular sessions or during the interim time between regular sessions in seven consecutive calendar years, as certified by the clerk of the house in which the employee served, shall receive service credit of six months for all regular sessions served, as certified by the clerk of the house in which the employee served, or shall receive service credit of three months for each regular thirty-day session served prior to 1971: *Provided*, That employees of the State Legislature whose term of employment is otherwise classified as temporary and who are employed to perform services required by the Legislature for its regular sessions and who have been or are employed during the regular sessions in thirteen consecutive calendar years as either temporary employees or full-time employees or a combination thereof, as certified by the clerk of the house in which the employee served, shall receive a service credit of twelve months for each regular session served, as certified by the clerk of the house in which the employee served: *Provided, however*, That the amendments made to this subsection during the 2002 regular session of the Legislature only apply to employees of the Legislature who are employed by the Legislature as either temporary employees or full-time employees as of January 1, 2002, or who become employed by the Legislature as temporary or full-time employees for the first time after January 1, 2002. Employees of the State Legislature whose terms of employment are otherwise classified as temporary and who are employed to perform services required by the Legislature during the interim time between regular sessions shall receive service credit of one month for each ten days served during the interim between regular sessions, which interim days shall be cumulatively calculated so that any ten days, regardless of calendar month or year, shall be calculated toward any award of one month of service credit: *Provided further*, That no more than one year of service may be credited to any temporary legislative employee for all service rendered by that employee in any calendar year and no days may be carried over by a temporary legislative employee from one calendar year to another calendar year where the member has received a full year credit for that year. Service credit awarded for legislative employment pursuant to this section shall be used for the purpose of calculating that member's retirement annuity, pursuant to section twenty-two of this article,

and determining eligibility as it relates to credited service, notwithstanding any other provision of this section. Certification of employment for a complete legislative session and for interim days shall be determined by the clerk of the house in which the employee served, based upon employment records. Service of fifty-five days of a regular session constitutes an absolute presumption of service for a complete legislative session and service of twenty-seven days of a thirty-day regular session occurring prior to 1971 constitutes an absolute presumption of service for a complete legislative session. Once a legislative employee has been employed during regular sessions for seven consecutive years or has become a full-time employee of the Legislature, that employee shall receive the service credit provided in this section for all regular and interim sessions and interim days worked by that employee, as certified by the clerk of the house in which the employee served, regardless of when the session or interim legislative employment occurred: *And provided further*, That regular session legislative employment for seven consecutive years may be served in either or both houses of the Legislature.

(2) For purposes of this section, employees of the Joint Committee on Government and Finance are entitled to the same benefits as employees of the House of Delegates or the Senate: *Provided*, That for joint committee employees whose terms of employment are otherwise classified as temporary, employment in preparation for regular sessions, certified by the legislative manager as required by the Legislature for its regular sessions, shall be considered the same as employment during regular sessions to meet service credit requirements for sessions served.

(f) Any employee may purchase retroactive service credit for periods of employment in which contributions were not deducted from the employee's pay. In the purchase of service credit for employment prior to 1989 in any department, including the Legislature, which operated from the General Revenue Fund and which was not expressly excluded from budget appropriations in which blanket appropriations were made for the state's share of public employees' retirement coverage in the years prior to 1989, the employee shall pay the employee's share. Other employees

shall pay the state's share and the employee's share to purchase retroactive service credit. Where an employee purchases service credit for employment which occurred after 1988, that employee shall pay for the employee's share and the employer shall pay its share for the purchase of retroactive service credit: *Provided*, That no legislative employee and no current or former member of the Legislature may be required to pay any interest or penalty upon the purchase of retroactive service credit in accordance with the provisions of this section where the employee was not eligible to become a member during the years for which he or she is purchasing retroactive credit or had the employee attempted to contribute to the system during the years for which he or she is purchasing retroactive service credit and the contributions would have been refused by the board: *Provided, however*, That a current legislative employee purchasing retroactive credit under this section shall do so within twenty-four months of beginning contributions to the retirement system as a legislative employee or no later than December 31, 2016, whichever occurs later: *Provided further*, That once a legislative employee becomes a member of the retirement system, he or she may purchase retroactive service credit for any time he or she was employed by the Legislature and did not receive service credit. Any service credit purchased shall be credited as six months for each sixty-day session worked, three months for each thirty-day session worked or twelve months for each sixty-day session for legislative employees who have been employed during regular sessions in thirteen consecutive calendar years, as certified by the clerk of the house in which the employee served, and credit for interim employment as provided in this subsection: *And provided further*, That this legislative service credit shall also be used for months of service in order to meet the sixty-month requirement for the payments of a temporary legislative employee member's retirement annuity: *And provided further*, That no legislative employee may be required to pay for any service credit beyond the actual time he or she worked regardless of the service credit which is credited to him or her pursuant to this section: *And provided further*, That any legislative employee may request a recalculation of his or her credited service to comply with the provisions of this section at any time.

(g) (1) Notwithstanding any provision to the contrary, the seven consecutive calendar years requirement and the thirteen consecutive calendar years requirement and the service credit requirements set forth in this section shall be applied retroactively to all periods of legislative employment prior to the passage of this section, including any periods of legislative employment occurring before the seven consecutive and thirteen consecutive calendar years referenced in this section: *Provided*, That the employee has not retired prior to the effective date of the amendments made to this section in the 2002 regular session of the Legislature.

(2) The requirement of seven consecutive years and the requirement of thirteen consecutive years apply retroactively to all legislative employment prior to the effective date of the 2006 amendments to this section.

(h) The board of trustees shall grant service credit to any former or present member of the State Police Death, Disability and Retirement Fund who has been a contributing member of this system for more than three years for service previously credited by the State Police Death, Disability and Retirement Fund if the member transfers all of his or her contributions to the State Police Death, Disability and Retirement Fund to the system created in this article, including repayment of any amounts withdrawn any time from the State Police Death, Disability and Retirement Fund by the member seeking the transfer allowed in this subsection: *Provided*, That there shall be added by the member to the amounts transferred or repaid under this subsection an amount which shall be sufficient to equal the contributions he or she would have made had the member been under the Public Employees Retirement System during the period of his or her membership in the State Police Death, Disability and Retirement Fund, excluding contributions on lump sum payment for annual leave, plus interest at a rate determined by the board.

(i) The provisions of section twenty-two-h of this article are not applicable to the amendments made to this section during the 2006 regular session.

(j) The board of trustees shall grant service credit to any judge who elects to transfer service from the judges' retirement system to the public employees retirement system and shall require the transfer to the member's employee contributions to the system: *Provided*, That there shall be added by the member to the amount transferred pursuant to this subsection an amount which shall be sufficient to equal the contributions he or she would have made had the member been under the public employees retirement system during the period of his or her membership in the judges' retirement system, plus interest at the actuarial interest rate assumption as approved by the board, compounded per annum.

## CHAPTER 51. COURTS AND THEIR OFFICERS.

### ARTICLE 9. RETIREMENT SYSTEM FOR JUDGES OF COURTS OF RECORD.

#### **§51-9-4. Required percentage contributions from salaries; any termination of required contributions prior to actual retirement disallowed; leased employees; military service credit; maximum allowable and qualified military service; qualifiable prosecutorial service.**

(a) Every person who is now serving or shall hereafter serve as a judge of any court of record of this state shall pay into the Judges' Retirement Fund six percent of the salary received by such person out of the State Treasury: *Provided*, That when a judge becomes eligible to receive benefits from such trust fund by actual retirement, no further payment by him or her shall be required, since such employee contribution, in an equal treatment sense, ceases to be required in the other retirement systems of the state, also, only after actual retirement: *Provided, however*, That on and after January 1, 1995, every person who is then serving or shall thereafter serve as a judge of any court of record in this state shall pay into the Judges' Retirement Fund nine percent of the salary received by that person: *Provided further*, That consistent with the salary increase granted to judges of courts of record during the 2005 regular legislative session and to changes effectuated in judicial retirement by provisions enacted during the third extraordinary legislative session of 2005, on and after July 1, 2005,

every person who is then serving or shall thereafter serve as a judge of any court of record in this state shall pay into the Judges' Retirement Fund 10 and one-half percent of the salary received by that person: *And provided further*, That on and after July 1, 2013, except as provided in subsection (b) of this section, every person who is then serving or shall thereafter serve as a judge of any court of record in this state and who elects to participate in this retirement system shall pay into the Judges' Retirement Fund seven percent of the salary received. Any prior occurrence or practice to the contrary, in any way allowing discontinuance of required employee contributions prior to actual retirement under this retirement system, is rejected as erroneous and contrary to legislative intent and as violative of required equal treatment and is hereby nullified and discontinued fully, with the State Auditor to require such contribution in every instance hereafter, except where no contributions are required to be made under any of the provisions of this article.

(b) On and after July 1, 2014, every person who is serving or shall hereafter serve as a judge of any court of record of this state and who elects to participate in this retirement system shall contribute to the fund an amount determined by the board. This amount will be based on the annual actuarial valuation prepared by the State Actuary: *Provided*, That the contribution will be no less than seven percent or no more than ten and one-half percent of the participant's annual compensation: *Provided, however, That on or after July 1, 2023, the contribution will be no less than three percent or no more than ten percent of the participant's annual compensation.*

(c) On or after July 1, 2013, and each year thereafter, the annual actuarial valuation prepared by the State Actuary for determination of all participants' contributions and the annual actuarially required contribution prepared by the State Actuary for use by the courts of this state for legislative appropriation shall be provided to the Legislature's Joint Committee on Government and Finance and the Joint Committee on Pensions and Retirement.

(d) An individual who is a leased employee shall not be eligible to participate in the system. For purposes of this system, a "leased



employee" means any individual who performs services as an independent contractor or pursuant to an agreement with an employee leasing organization or other similar organization. If a question arises regarding the status of an individual as a leased employee, the board has the final power to decide the question.

(e) In drawing warrants for the salary checks of judges, the State Auditor shall deduct from the amount of each such salary check six percent thereof, which amount so deducted shall be credited by the Consolidated Public Retirement Board to the trust fund: *Provided*, That on or after January 1, 1995, the amount so deducted and credited shall be nine percent of each such salary check: *Provided, however*, That consistent with the salary increase granted to judges of courts of record during the 2005 regular legislative session and to changes effectuated in judicial retirement by provisions enacted during the third extraordinary legislative session of 2005, on or after July 1, 2005, the amount so deducted and credited shall be 10 and one-half percent of each such salary check: *Provided further*, That on and after July 1, 2013, except as provided in subsection (b) of this section, the amount so deducted and credited shall be seven percent of each salary check: *And provided further*, That on and after July 1, 2014, the amount so deducted and credited will be determined by the board.

(f) Any judge seeking to qualify military service to be claimed as credited service, in allowable aggregate maximum amount up to five years, shall be entitled to be awarded the same without any required payment in respect thereof to the Judges' Retirement Fund.

(g) Notwithstanding the preceding provisions of this section, contributions, benefits, and service credit with respect to qualified military service shall be provided in accordance with Section 414(u) of the Internal Revenue Code. For purposes of this section, "qualified military service" has the same meaning as in Section 414(u) of the Internal Revenue Code. The retirement board is authorized to determine all questions and make all decisions relating to this section and may promulgate rules relating to contributions, benefits and service credit pursuant to the authority

granted to the retirement board in §5-10D-1 of this code to comply with Section 414(u) of the Internal Revenue Code.

(h) Any judge holding office as such on the effective date of the amendments to this article adopted by the Legislature at its 1987 regular session who seeks to qualify service as a prosecuting attorney as credited service, which service credit must have been earned prior to the year 1987, shall be required to pay into the Judges' Retirement Fund nine percent of the annual salary which was actually received by such person as prosecuting attorney during the time such prosecutorial service was rendered prior to the year 1987 and for which credited service is being sought, together with applicable interest. No judge whose term of office shall commence after the effective date of such amendments to this article shall be eligible to claim any credit for service rendered as a prosecuting attorney as eligible service for retirement benefits under this article, nor shall any time served as a prosecutor after the year 1988 be considered as eligible service for any purposes of this article.

The bill, as just amended, was again ordered to engrossment.

Engrossed Senate Bill 669 was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 669) passed.

On motion of Senator Nelson, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Senate Bill 669**—A Bill to amend and reenact §5-10-14 of the Code of West Virginia, 1931, as amended; and to amend and reenact §51-9-5 of said code, all relating to a change in the contribution levels of every person who is serving or shall hereafter serve as a judge of any court of record of this state and who elects to participate in this retirement system, on or after July 1, 2023, to no less than three percent and no more than 10 percent of the participant's annual compensation.

Senator Takubo moved that the bill take effect July 1, 2023.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 669) takes effect July 1, 2023.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 670**, Permitting newly hired 911 personnel to participate in Emergency Medical Services Retirement System.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, February 21, 2022, for amendments to be received on third reading, was read a third time.

On motion of Senator Nelson, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 5V. EMERGENCY MEDICAL SERVICES  
RETIREMENT SYSTEM ACT.**

**§16-5V-2. Definitions.**

As used in this article, unless a federal law or regulation or the context clearly requires a different meaning:

(a) "Accrued benefit" means on behalf of any member two and six-tenths percent per year of the member's final average salary for the first twenty years of credited service. Additionally, two percent per year for twenty-one through twenty-five years and one and one-half percent per year for each year over twenty-five years will be credited with a maximum benefit of sixty-seven percent. A member's accrued benefit may not exceed the limits of Section 415 of the Internal Revenue Code and is subject to the provisions of section twelve of this article.

(1) The board may, upon the recommendation of the board's actuary, increase the employees' contribution rate to ten and five-tenths percent should the funding of the plan not reach seventy percent funded by July 1, 2012. The board shall decrease the contribution rate to eight and one-half percent once the plan funding reaches the seventy percent support objective as of any later actuarial valuation date.

(2) Upon reaching the seventy-five percent actuarial funded level, as of an actuarial valuation date, the board shall increase the two and six-tenths percent to two and three-quarter percent for the first twenty years of credited service. The maximum benefit will also be increased from sixty-seven percent to ninety percent.

(b) "Accumulated contributions" means the sum of all retirement contributions deducted from the compensation of a member, or paid on his or her behalf as a result of covered employment, together with regular interest on the deducted amounts.

(c) "Active military duty" means full-time active duty with any branch of the armed forces of the United States, including service with the National Guard or reserve military forces when the

member has been called to active full-time duty and has received no compensation during the period of that duty from any board or employer other than the armed forces.

(d) "Actuarial equivalent" means a benefit of equal value computed upon the basis of the mortality table and interest rates as set and adopted by the board in accordance with the provisions of this article.

(e) "Annual compensation" means the wages paid to the member during covered employment within the meaning of Section 3401(a) of the Internal Revenue Code, but determined without regard to any rules that limit the remuneration included in wages based upon the nature or location of employment or services performed during the plan year plus amounts excluded under Section 414(h)(2) of the Internal Revenue Code and less reimbursements or other expense allowances, cash or noncash fringe benefits or both, deferred compensation and welfare benefits. Annual compensation for determining benefits during any determination period may not exceed the maximum compensation allowed as adjusted for cost of living in accordance with section seven, article ten-d, chapter five of this code and Section 401(a)(17) of the Internal Revenue Code.

(f) "Annual leave service" means accrued annual leave.

(g) "Annuity starting date" means the first day of the month for which an annuity is payable after submission of a retirement application. For purposes of this subsection, if retirement income payments commence after the normal retirement age, "retirement" means the first day of the month following or coincident with the latter of the last day the member worked in covered employment or the member's normal retirement age and after completing proper written application for retirement on an application supplied by the board.

(h) "Board" means the Consolidated Public Retirement Board.

(i) "Contributing service" or "contributory service" means service rendered by a member while employed by a participating

public employer for which the member made contributions to the plan.

(j) "County commission or political subdivision" has the meaning ascribed to it in this code.

(k) "Covered employment" means either: (1) Employment as a full-time emergency medical technician, emergency medical technician/paramedic or emergency medical services/registered nurse and the active performance of the duties required of emergency medical services officers; or (2) the period of time during which active duties are not performed but disability benefits are received under this article; or (3) concurrent employment by an emergency medical services officer in a job or jobs in addition to his or her employment as an emergency medical services officer where the secondary employment requires the emergency medical services officer to be a member of another retirement system which is administered by the Consolidated Public Retirement Board pursuant to this code: *Provided*, That the emergency medical services officer contributes to the fund created in this article the amount specified as the member's contribution in section eight of this article; or (4) 911 personnel as defined in this section.

(l) "Credited service" means the sum of a member's years of service, active military duty, disability service and accrued annual and sick leave service.

(m) "Dependent child" means either:

(1) An unmarried person under age eighteen who is:

(A) A natural child of the member;

(B) A legally adopted child of the member;

(C) A child who at the time of the member's death was living with the member while the member was an adopting parent during any period of probation; or

(D) A stepchild of the member residing in the member's household at the time of the member's death; or

(2) Any unmarried child under age twenty-three:

(A) Who is enrolled as a full-time student in an accredited college or university;

(B) Who was claimed as a dependent by the member for federal income tax purposes at the time of the member's death; and

(C) Whose relationship with the member is described in paragraph (A), (B) or (C), subdivision (1) of this subsection.

(n) "Dependent parent" means the father or mother of the member who was claimed as a dependent by the member for federal income tax purposes at the time of the member's death.

(o) "Disability service" means service received by a member, expressed in whole years, fractions thereof or both, equal to one half of the whole years, fractions thereof, or both, during which time a member receives disability benefits under this article.

(p) "Early retirement age" means age forty-five or over and completion of twenty years of contributory service.

(q) "Effective date" means January 1, 2008.

(r) "Emergency medical services officer" means an individual employed by the state, county or other political subdivision as a medical professional who is qualified to respond to medical emergencies, aids the sick and injured and arranges or transports to medical facilities, as defined by the West Virginia Office of Emergency Medical Services. This definition is construed to include employed ambulance providers and other services such as law enforcement, rescue or fire department personnel who primarily perform these functions and are not provided any other credited service benefits or retirement plans. These persons may hold the rank of emergency medical technician/basic, emergency medical technician/paramedic, emergency medical services/registered nurse, or others as defined by the West Virginia Office of Emergency Medical Services and the Consolidated Public Retirement Board.

(s) "Employer error" means an omission, misrepresentation or violation of relevant provisions of the West Virginia Code or of the West Virginia Code of State Rules or the relevant provisions of both the West Virginia Code and of the West Virginia Code of State Rules by the participating public employer that has resulted in an underpayment or overpayment of contributions required. A deliberate act contrary to the provisions of this article by a participating public employer does not constitute employer error.

(t) "Final average salary" means the average of the highest annual compensation received for covered employment by the member during any five consecutive plan years within the member's last ten years of service while employed, prior to any disability payment. If the member did not have annual compensation for the five full plan years preceding the member's attainment of normal retirement age and during that period the member received disability benefits under this article, then "final average salary" means the average of the monthly salary determined paid to the member during that period as determined under section nineteen of this article multiplied by twelve. Final average salary does not include any lump sum payment for unused, accrued leave of any kind or character.

(u) "Full-time employment" means permanent employment of an employee by a participating public employer in a position which normally requires twelve months per year service and requires at least one thousand forty hours per year service in that position.

(v) "Fund" means the West Virginia Emergency Medical Services Retirement Fund created by this article.

(w) "Hour of service" means:

(1) Each hour for which a member is paid or entitled to payment for covered employment during which time active duties are performed. These hours shall be credited to the member for the plan year in which the duties are performed; and

(2) Each hour for which a member is paid or entitled to payment for covered employment during a plan year but where no



duties are performed due to vacation, holiday, illness, incapacity including disability, layoff, jury duty, military duty, leave of absence or any combination thereof and without regard to whether the employment relationship has terminated. Hours under this subdivision shall be calculated and credited pursuant to West Virginia Division of Labor rules. A member will not be credited with any hours of service for any period of time he or she is receiving benefits under section nineteen or twenty of this article; and

(3) Each hour for which back pay is either awarded or agreed to be paid by the employing county commission or political subdivision, irrespective of mitigation of damages. The same hours of service shall not be credited both under subdivision (1) or (2) of this subsection and under this subdivision. Hours under this paragraph shall be credited to the member for the plan year or years to which the award or agreement pertains, rather than the plan year in which the award, agreement or payment is made.

~~(x)~~ "Member" means a person first hired as an emergency medical services officer by an employer which is a participating public employer of the Public Employees Retirement System or the Emergency Medical Services Retirement System after the effective date of this article, as defined in subsection (q) of this section, or an emergency medical services officer of an employer which is a participating public employer of the Public Employees Retirement System first hired prior to the effective date and who elects to become a member pursuant to this article. A member shall remain a member until the benefits to which he or she is entitled under this article are paid or forfeited.

~~(y)~~ "Monthly salary" means the W-2 reportable compensation received by a member during the month.

~~(z)~~ "Normal form" means a monthly annuity which is one twelfth of the amount of the member's accrued benefit which is payable for the member's life. If the member dies before the sum of the payments he or she receives equals his or her accumulated contributions on the annuity starting date, the named beneficiary shall receive in one lump sum the difference between the

accumulated contributions at the annuity starting date and the total of the retirement income payments made to the member.

~~(aa)~~ "Normal retirement age" means the first to occur of the following:

(1) Attainment of age fifty years and the completion of twenty or more years of regular contributory service, excluding active military duty, disability service and accrued annual and sick leave service;

(2) While still in covered employment, attainment of at least age fifty years and when the sum of current age plus regular contributory years of service equals or exceeds seventy years;

(3) While still in covered employment, attainment of at least age sixty years and completion of ten years of regular contributory service; or

(4) Attainment of age sixty-two years and completion of five or more years of regular contributory service.

~~(bb)~~ "Participating public employer" means any county commission or political subdivision in the state which has elected to cover its emergency medical services officers, as defined in this article, under the West Virginia Emergency Medical Services Retirement System.

~~(cc)~~ "Political subdivision" means a county, city or town in the state; any separate corporation or instrumentality established by one or more counties, cities or towns, as permitted by law; any corporation or instrumentality supported in most part by counties, cities or towns; and any public corporation charged by law with the performance of a governmental function and whose jurisdiction is coextensive with one or more counties, cities or towns: *Provided*, That any public corporation established under section four, article fifteen, chapter seven of this code is considered a political subdivision solely for the purposes of this article.

~~(dd)~~ "Plan" means the West Virginia Emergency Medical Services Retirement System established by this article.

~~(ee)~~ "Plan year" means the twelve-month period commencing on January 1 of any designated year and ending the following December 31.

~~(ff)~~ "Public Employees Retirement System" means the West Virginia Public Employee's Retirement System created by West Virginia Code.

~~(gg)~~ "Regular interest" means the rate or rates of interest per annum, compounded annually, as the board adopts in accordance with the provisions of this article.

~~(hh)~~ "Required beginning date" means April 1 of the calendar year following the later of: (1) The calendar year in which the member attains age seventy and one-half; or (2) the calendar year in which he or she retires or otherwise separates from covered employment.

~~(ii)~~ "Retirant" means any member who commences an annuity payable by the plan.

~~(jj)~~ "Retire" or "retirement" means a member's withdrawal from the employ of a participating public employer and the commencement of an annuity by the plan.

~~(kk)~~ "Retirement income payments" means the monthly retirement income payments payable under the plan.

~~(ll)~~ "Spouse" means the person to whom the member is legally married on the annuity starting date.

~~(mm)~~ "Surviving spouse" means the person to whom the member was legally married at the time of the member's death and who survived the member.

~~(nn)~~ "Totally disabled" means a member's inability to engage in substantial gainful activity by reason of any medically determined physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than twelve months.

For purposes of this subsection:

(1) A member is totally disabled only if his or her physical or mental impairment or impairments is so severe that he or she is not only unable to perform his or her previous work as an emergency medical services officer but also cannot, considering his or her age, education and work experience, engage in any other kind of substantial gainful employment which exists in the state regardless of whether: (A) The work exists in the immediate area in which the member lives; (B) a specific job vacancy exists; or (C) the member would be hired if he or she applied for work. For purposes of this article, substantial gainful employment is the same definition as used by the United States Social Security Administration.

(2) "Physical or mental impairment" is an impairment that results from an anatomical, physiological or psychological abnormality that is demonstrated by medically accepted clinical and laboratory diagnostic techniques. The board may require submission of a member's annual tax return for purposes of monitoring the earnings limitation.

~~(3)~~ "Year of service" means a member shall, except in his or her first and last years of covered employment, be credited with years of service credit based upon the hours of service performed as covered employment and credited to the member during the plan year based upon the following schedule:

Hours of Service Year of Service Credited.

Less than 500	0
500 to 999	1/3
1,000 to 1,499	2/3
1,500 or more	1

During a member's first and last years of covered employment, the member shall be credited with one twelfth of a year of service for each month during the plan year in which the member is credited with an hour of service for which contributions were

received by the fund. A member is not entitled to credit for years of service for any time period during which he or she received disability payments under section nineteen or twenty of this article. Except as specifically excluded, years of service include covered employment prior to the effective date.

Years of service which are credited to a member prior to his or her receipt of accumulated contributions upon termination of employment pursuant to section eighteen of this article or section thirty, article ten, chapter five of this code, shall be disregarded for all purposes under this plan unless the member repays the accumulated contributions with interest pursuant to section eighteen of this article or has prior to the effective date made the repayment pursuant to section eighteen, article ten, chapter five of this code.

"911 personnel" means an individual employed in fulltime employment with a county 911 public safety answering point.

#### **§16-5V-6. Members.**

(a) Any emergency medical services officer first employed by a county or political subdivision in covered employment after the effective date of this article or 911 personnel hired on or after July 1, 2022, by a participating public employer shall be a member of this retirement plan as a condition of employment and upon membership does not qualify for membership in any other retirement system administered by the board, so long as he or she remains employed in covered employment: *Provided*, That any emergency medical services officer or 911 personnel who has concurrent employment in an additional job or jobs which would require the emergency medical services officer or 911 personnel to be a member of the West Virginia Deputy Sheriff Retirement System, the West Virginia Municipal Police Officers and Firefighters Retirement System, or the West Virginia Natural Resources Police Officer Retirement System shall participate in only one retirement system administered by the board, and the retirement system applicable to the concurrent employment for which the employee has the earliest date of hire shall prevail.

(b) Any emergency medical services officer employed in covered employment by an employer which is currently a participating public employer of the Public Employees Retirement System shall notify in writing both the county commission in the county or officials in the political subdivision in which he or she is employed and the board of his or her desire to become a member of the plan by December 31, 2007. Any emergency medical services officer who elects to become a member of the plan ceases to be a member or have any credit for covered employment in any other retirement system administered by the board and shall continue to be ineligible for membership in any other retirement system administered by the board so long as the emergency medical services officer remains employed in covered employment by an employer which is currently a participating public employer of this plan: *Provided*, That any emergency medical services officer who does not affirmatively elect to become a member of the plan continues to be eligible for any other retirement system as is, from time to time, offered to other county employees but is ineligible for this plan regardless of any subsequent termination of employment and rehire.

(c) Any emergency medical services officer who was employed as an emergency medical services officer prior to the effective date, but was not employed on the effective date of this article, shall become a member upon rehire as an emergency medical services officer. For purposes of this section, the member's years of service and credited service prior to the effective date shall not be counted for any purposes under this plan unless the emergency medical services officer has not received the return of his or her accumulated contributions in the Public Employees Retirement System pursuant to §5-10-30 of this code. The member may request in writing to have his or her accumulated contributions and employer contributions from covered employment in the Public Employees Retirement System transferred to the plan. If the conditions of this subsection are met, all years of the emergency medical services officer's covered employment shall be counted as years of service for the purposes of this article.

(d) Any emergency medical services officer employed in covered employment on the effective date of this article who has timely elected to transfer into this plan as provided in subsection (b) of this section shall be given credited service at the time of transfer for all credited service then standing to the emergency medical services officer's service credit in the Public Employees Retirement System regardless of whether the credited service (as that term is defined in §5-10-2 of this code) was earned as an emergency medical services officer. All credited service standing to the transferring emergency medical services officer's credit in the Public Employees Retirement System at the time of transfer into this plan shall be transferred into the plan created by this article and the transferring emergency medical services officer shall be given the same credit for the purposes of this article for all service transferred from the Public Employees Retirement System as that transferring emergency medical services officer would have received from the Public Employees Retirement System as if the transfer had not occurred. In connection with each transferring emergency medical services officer receiving credit for prior employment as provided in this subsection, a transfer from the Public Employees Retirement System to this plan shall be made pursuant to the procedures described in this article: *Provided*, That any member of this plan who has elected to transfer from the Public Employees Retirement System into this plan pursuant to subsection (b) of this section may not, after having transferred into and becoming an active member of this plan, reinstate to his or her credit in this plan any service credit relating to periods in which the member was not in covered employment as an emergency medical services officer and which service was withdrawn from the Public Employees Retirement System prior to his or her elective transfer into this plan.

(e) Once made, the election made under this section is irrevocable. All emergency medical services officers employed by an employer which is a participating public employer of the Public Employees Retirement System after the effective date and emergency medical services officers electing to become members as described in this section shall be members as a condition of

employment and shall make the contributions required by this article.

(f) Notwithstanding any other provisions of this article, any individual who is a leased employee is not eligible to participate in the plan. For purposes of this plan, a "leased employee" means any individual who performs services as an independent contractor or pursuant to an agreement with an employee leasing organization or similar organization. If a question arises regarding the status of an individual as a leased employee, the board has final power to decide the question.

**§16-5V-31. How a county commission or political subdivision becomes a participating public employer. How a county commission, political subdivision, or county 911 public safety answering point becomes a participating public employer.**

Any county commission ~~or~~ political subdivision, or county 911 public safety answering point employing emergency medical services officers or 911 personnel may by a three-fifths vote of its governing body, or by a majority vote of its electors, elect to become a participating public employer and thereby include its emergency medical services officers and 911 personnel in the membership of the plan. The clerk or secretary of each such county commission, ~~or~~ political subdivision, or county 911 public safety answering point governing board electing to become a participating public employer shall certify the determination of the county commission, ~~or~~ political subdivision, or county 911 public safety answering point governing board to the Consolidated Public Retirement Board within ten days from and after the vote of the governing body or the canvass of votes upon such action. Once a county commission, ~~or~~ political subdivision, or county 911 public safety answering point governing board elects to participate in the plan, the action is final and it may not, at a later date, elect to terminate its participation in the plan.

The bill, as just amended, was again ordered to engrossment.

Engrossed Senate Bill 670 was then put upon its passage.



On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 670) passed.

On motion of Senator Nelson, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Senate Bill 670**—A Bill to amend and reenact §16-5V-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5V-6 of said code; and to amend and reenact §16-5V-31 of said code, all relating to the inclusion of newly hired 911 personnel as members of the Emergency Medical Services Retirement System.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Brown, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

**Eng. House Bill 3303**, Relating to clarifying the process of filling vacancies on ballots.

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending, and with the right having been granted on yesterday, Monday, February 21,

2022, for further amendments to be received on third reading, was read a third time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

## **ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.**

### **§3-5-11. Withdrawals; filling vacancies in candidacy; publication.**

(a) A candidate who has filed a certificate of announcement and wishes to withdraw and decline to stand as a candidate for the office shall file a signed and notarized statement of withdrawal on a form provided by the Secretary of State with the same officer with whom the certificate of announcement was filed. If the notarized statement of withdrawal is received by the proper officer by the deadlines set forth in subsection (b) of this section, ~~then~~ the candidate's withdrawal is final and his or her name shall not be certified as a candidate nor printed on any ballot. If a candidate files a notarized statement of withdrawal after the deadlines set forth in subsection (b) of this section, the candidate shall not be withdrawn and the candidate's name shall remain on the ballot.

(b) Deadlines for withdrawing as a candidate:

(1) *For primary or special primary elections or nonpartisan elections held in conjunction with a primary election:* The notarized statement of withdrawal must be received by the same officer with whom the certificate of announcement was filed by the close of business of that officer not later than the third Tuesday following the close of the candidate filing period.

(2) *For general or special general elections or nonpartisan elections held in conjunction with a general election:* The notarized statement of withdrawal must be received by the same officer with whom the certificate of announcement was filed by the close of

business of that officer not later than eighty-four days before the general election.

(c) Upon request of the candidate's family, the board of ballot commissioners may remove the name of a candidate who dies before the ballots are printed. If a candidate dies after the ballots are printed but before the election, the clerk of the county commission shall give a written notice which shall be posted with the sample ballot at each precinct with the county to the following effect: "To the voter: (name) of (residence), a candidate for (office) is deceased."

(d) If after the time is closed for announcing as a candidate there is a vacancy on the ballot caused by failure of any person of a party to file for each available seat of each available office, the executive committee of the party for the political division within which such candidate was to be voted for, or its chair if the committee fails to act, may fill the vacancy and certify the candidate named to the appropriate filing officer: Provided, That for a delegate district or senatorial district situated entirely within a single county, the county executive committee, or its chairperson if the committee fails to act, may fill the vacancy and certify the candidate named to the appropriate filing officer. Certification of the appointment by the executive committee or its chair, the candidate's certificate of announcement, and the filing fee must be received by the appropriate filing officer as follows: For an appointment by an executive committee, no later than the second Friday following the close of filing, for an appointment by its chair, no later than the third Tuesday following the close of filing: Provided, however, That any candidate appointed to an intra-county delegate or senatorial district by a county executive committee for that district pursuant to the process and by the deadline provided in this subsection shall not be refused certification for placement on the 2022 primary election ballot for that reason. A candidate appointed to fill a vacancy on the ballot under this subsection shall have his or her name printed on the primary ballot for that party.

(e) The amendments to this section enacted by the Legislature during the 2022 Regular Session shall be retrospective to January 30, 2022.

**§3-5-19. Vacancies in nominations; how filled; fees.**

(a) If any vacancy occurs in the party nomination of candidates for office nominated at the primary election or by appointment under the provisions of section eleven of this article, the vacancies may be filled, subject to the following requirements and limitations:

(1) Each appointment made under this section shall be made by the executive committee of the political party for the political division in which the vacancy occurs: *Provided*, That if the executive committee holds a duly called meeting in accordance with §3-1-9 of this code but fails to make an appointment or fails to certify the appointment of the candidate to the proper filing officer within the time required, the chairperson of the executive committee may make the appointment not later than two days following the deadline for the executive committee. *Provided however*, That for a delegate district or senatorial district situated entirely within a single county, the county executive committee, or its chairperson if the committee fails to act, may fill the vacancy and certify the candidate named to the appropriate filing officer.

(2) Each appointment made under this section is complete only upon the receipt by the proper filing officer of the certificate of appointment by the executive committee, or its chairperson, as the case may be, the certificate of announcement of the candidate as prescribed in section seven of this article and, except for appointments made under subdivision (4), (5), (6) or (7) of this subsection, the filing fee or waiver of fee as prescribed in section eight or eight-a of this article. The proper filing officer is the officer with whom the original certificate of announcement is regularly filed for that office.

(3) If a vacancy in nomination will be caused by the failure of a candidate to file for an office, or by withdrawal of a candidate no later than the third Tuesday following the close of candidate filing

pursuant to the provisions of section eleven of this article, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than 30 days after the last day to file a certificate of announcement pursuant to section seven of this article.

(4) If a vacancy in nomination is caused by the disqualification of a candidate and the vacancy occurs not later than 84 days before the general election, a nominee may be appointed by the executive committee and certified to the proper filing officer not later than 78 days before the general election. A candidate may be determined disqualified if a written request is made by an individual with information to show a candidate's ineligibility to the State Election Commission no later than 84 days before the general election explaining grounds why a candidate is not eligible to be placed on the general election ballot or not eligible to hold the office, if elected. The State Election Commission shall review the reasons for the request. If the commission finds the circumstances warrant the disqualification of the candidate, the commission shall authorize appointment by the executive committee to fill the vacancy. Upon receipt of the authorization, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than 78 days before the general election.

(5) If a vacancy in nomination is caused by the incapacity of the candidate and if the vacancy occurs not later than 84 days before the general election, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than 78 days before the general election.

(6) If a vacancy in nomination is caused by the timely filing of a notarized statement of withdrawal, according to section eleven of this article, of a candidate whose name would otherwise appear on the general election ballot, a replacement on the general election ballot may be appointed by the executive committee and certified to the proper filing officer no later than 78 days before the general election.

(7) If a vacancy in nomination is caused by the death of the candidate occurring no later than 25 days before the general

election, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than 21 days following the date of death or no later than 22 days before the general election, whichever date occurs first.

(b) Except as otherwise provided in §3-10-1 *et seq.* of this code, if any vacancy occurs in a partisan office or position other than political party executive committee, which creates an unexpired term for a position which would not otherwise appear on the ballot in the general election, and the vacancy occurs after the close of candidate filing for the primary election but not later than 84 days before the general election, a nominee of each political party may be appointed by the executive committee and certified to the proper filing officer no later than 78 days before the general election. Appointments shall be filed in the same manner as provided in subsection (a) of this section, except that the filing fee shall be paid before the appointment is complete.

(c) When a vacancy occurs in the board of education after the close of candidate filing for the primary election but not later than 84 days before the general election, a special candidate filing period shall be established. Candidates seeking election to any unexpired term for board of education shall file a certificate of announcement and pay the filing fee to the clerk of the county commission no earlier than the first Monday in August and no later than 77 days before the general election.

(d) The amendments to this section enacted by the Legislature during the 2022 Regular Session shall be retrospective to January 30, 2022.

Engrossed House Bill 3303, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 3303) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. House Bill 3303**—A Bill to amend and reenact §3-5-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-5-19 of said code, all relating to clarifying the process of filling vacancies on ballots; authorizing the county executive committee or chair of an intra-county delegate or senatorial district to fill vacancy on primary election ballot; prohibiting Secretary of State from refusing certification of candidates appointed to an intra-county delegate or senatorial district by the county executive committee for that district by certain deadline for placement on 2022 primary election ballot; authorizing the county executive committee or chair of an intra-county delegate senatorial district to fill vacancy on general election ballot; and making amendments retrospective to January 30, 2022.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3303) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Takubo, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant the Glenville State College delegation privileges of the floor for the day.

Without objection, the Senate returned to the third order of business.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4264**—A Bill to amend and reenact §18B-2A-6 of the Code of West Virginia, 1931, as amended, relating to designating Glenville State College a university, having met eligibility requirements.

At the request of Senator Clements, unanimous consent being granted, the bill was taken up for immediate consideration, reference to a committee dispensed with, read a first time, and ordered to second reading.

On motion of Senator Takubo, 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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.



The nays were: None.

Absent: None.

The bill was read a second time and ordered to third reading.

Engrossed House Bill 4264 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed House Bill 4264 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, 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. 4264) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4264) takes effect from passage.

*Ordered,* That the Clerk communicate to the House of Delegates the action of the Senate.

At the request of Senator Caputo, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 230,** Relating generally to public employees grievance procedure.

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 470,** Relating generally to health care decisions.

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 553,** Relating to powers of WV Health Care Authority.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 556,** Removing outdated reference to federal officers' peace-keeping authority.

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 586,** Relating to athletic eligibility of transfer students.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

**Senate Bill 619**, Relating to rulemaking for unidentified and unclaimed remains in possession of Chief Medical Examiner.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 628**, Supplementing and amending appropriations to Department of Commerce, DNR.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 629**, Supplementing and amending appropriations to Department of Education, WV BOE, Vocational Division.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 630**, Supplementing and amending appropriations to Higher Education Policy Commission, Administration – Control Account.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 633**, Supplementing and amending appropriations to DHHR, Consolidated Medical Services Fund.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 636**, Supplementing and amending appropriations to Department of Revenue, Office of Tax Appeals.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 637**, Supplementing and amending appropriations to Executive, Governor's Office – Civil Contingent Fund.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 639**, Providing 45-day waiting period on rate increases when water and sewer services are purchased from municipality.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 640**, Eliminating requirement of PSC to send certain recommended decisions by certified mail.

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 643**, Removing residency requirement of members appointed to county airport authority.

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 650**, Eliminating number of royalty owners required for utilization by operator for lawful use and development by co-tenants.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 651**, Allowing county BOE participating in operation of multicounty vocational center to withdraw.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 685**, Relating to WV Real Estate License Act.

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.

**Com. Sub. for Senate Bill 430**, Modifying witness fee rate paid by state to match federal court system.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Finance.

**Com. Sub. for Senate Bill 463**, Best Interests of Child Protection Act of 2022.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for Senate Bill 622**, Establishing requirements for carbon dioxide sequestration.

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 Karnes and Woelfel.

The Senate then 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 21, 2022:

**Senate Bill 562:** Senator Stollings.

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 21, 2022:

**Senate Bill 657:** Senator Woelfel;

**Senate Bill 684:** Senator Smith;

**Senate Bill 690:** Senator Jeffries;

**Senate Bill 691:** Senators Jeffries and Woelfel;

**Senate Bill 692:** Senators Rucker, Lindsay, Stollings, and Woelfel;

**Senate Bill 696:** Senator Sypolt;

**Senate Bill 697:** Senators Woelfel and Phillips;

**Senate Bill 699:** Senators Stollings and Romano;

**Senate Bill 700:** Senator Phillips;

**Senate Bill 701:** Senators Romano and Maroney;

**Senate Bill 703:** Senator Phillips;

**Senate Bill 704:** Senators Rucker, Karnes, Sypolt, Tarr, Roberts, and Smith;

**Senate Bill 706:** Senator Stollings;

**Senate Bill 708:** Senator Maroney;

**Senate Bill 710:** Senators Rucker, Sypolt, Karnes, and Roberts;

**Senate Concurrent Resolution 51:** Senator Lindsay;

**Senate Resolution 32:** Senator Stollings;

And,

**Senate Resolution 34:** Senator Lindsay.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:40 p.m., the Senate adjourned until tomorrow, Wednesday, February 23, 2022, at 11 a.m.



