

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE  
REGULAR SESSION, 2022  
TWENTY-THIRD DAY

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Charleston, West Virginia, 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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## **SENATE CALENDAR**

**Monday, February 07, 2022  
11:00 AM**

### **UNFINISHED BUSINESS**

- S. C. R. 33 - US Army SGT Lewis M. "Mike" Totten Memorial Road
- S. C. R. 34 - USMC SGTMAJ Herman H. Brawner Memorial Bridge
- S. C. R. 35 - Ira "Noon" Copley and Marie Copley Memorial Bridge
- S. R. 18 - Designating February 7, 2022, as Sexual Violence Awareness Day in WV

### **THIRD READING**

- Eng. Com. Sub. for S. B. 7 - Relating to damages for medical monitoring
- Eng. Com. Sub. for S. B. 481 - Relating to Adopt-A-Stream Program

### **SECOND READING**

- Com. Sub. for S. B. 2 - Relating to unemployment benefits program (original similar to HB4009)
- Com. Sub. for S. B. 3 - Requiring work search activities to qualify for unemployment benefits (original similar to HB4018)
- Com. Sub. for S. B. 231 - Relating generally to broadband connectivity
- Com. Sub. for Com. Sub. for S. B. 264 - Relating to conservation districts law of WV (original similar to HB4302)
- S. B. 493 - Requiring county BOE make meetings available to public in-person and through internet
- S. B. 499 - Authorizing legislative rules for School Building Authority
- Eng. H. B. 2325 - Removing the requirement of continuing education for barbers and cosmetologists
- Eng. Com. Sub. for H. B. 4062 - Removing the residency requirement for the Commissioner of the Division of Highways
- Eng. H. B. 4301 - Reforming membership requirements of Huntington Park and Recreation District Board - (Com. amend. and title amend. pending)

### **FIRST READING**

- Com. Sub. for S. B. 6 - Establishing common law "veil piercing" claims not be used to impose personal liability
- Com. Sub. for S. B. 242 - Restricting authority to prevent or limit owner's use of natural resources or real property in certain agricultural operations

Com. Sub. for S. B. 245 - Revising wage payment and collection

Com. Sub. for S. B. 445 - Modifying police and firemen's pension plans for trustees (original similar to HB4432)

Com. Sub. for S. B. 472 - Relating to access to juvenile records by certain employees of Division of Corrections and Rehabilitation (original similar to HB4541)

Com. Sub. for S. B. 487 - Relating to Revenue Shortfall Reserve Fund and Revenue Shortfall Reserve Fund – Part B

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2022**

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**Monday, February 7, 2022**

1 p.m.

Natural Resources

(Room 208W)

