

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2022
THIRTY-FIRST DAY

Charleston, West Virginia, 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 BXB, 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 and resolution 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.

SENATE CALENDAR

**Monday, February 14, 2022
11:00 AM**

UNFINISHED BUSINESS

S. R. 25 - Designating February 14, 2022, as National Donor Day

THIRD READING

Eng. Com. Sub. for S. B. 476 - Relating to imposition of minimum severance tax on coal
(original similar to HB4411)

Eng. S. B. 478 - Relating to Neighborhood Investment Program (original similar to HB4544)

Eng. Com. Sub. for S. B. 508 - Requiring certain attire for deer hunters with muzzleloaders
(original similar to HB4486)

Eng. Com. Sub. for S. B. 509 - Relating to county BOE employee personal leave

Eng. S. B. 526 - Supplementing and amending appropriations to Department of Commerce,
Office of Secretary (original similar to HB4527)

Eng. S. B. 527 - Supplementing and amending appropriations to Department of Administration,
Office of Technology (original similar to HB4528)

Eng. Com. Sub. for S. B. 528 - Supplementing and amending appropriations to DHHR,
Consolidated Medical Services Fund (original similar to HB4529)

Eng. Com. Sub. for S. B. 537 - Providing additional firefighters and security guards for National
Guard (original similar to HB4494)

Eng. Com. Sub. for S. B. 560 - Defining Class 2 e-bikes - (With right to amend)

Eng. H. B. 4024 - Creating a cosmetology apprentice program that allows companies to train
employees for practical real-world experience

SECOND READING

Com. Sub. for S. B. 33 - Protecting consumers against businesses using automatic renewals
without consent

Com. Sub. for S. B. 330 - Authorizing DOT to promulgate legislative rules (original similar to
HB4169)

S. B. 531 - Increasing annual salaries of certain state employees (original similar to HB4533)

S. B. 532 - Requiring reports to Joint Committee on Pensions and Retirement every five years
on deferred retirement option plans

Eng. H. B. 4097 - To prohibit nonpublic funding sources for election administration and related
expenses without prior written approval by the State Election Commission. -
(Com. amend. pending)

Eng. H. B. 4312 - Extending the option of electronic absentee ballot transmission to first responders in certain emergency circumstances - (Com. amend. and title amend. pending)

FIRST READING

Com. Sub. for S. B. 86 - Creating criminal offense of sexual extortion

Com. Sub. for S. B. 146 - Relating to interpretations of school laws

Com. Sub. for S. B. 415 - Capping severance tax collections in general revenue at specified percentage

S. B. 442 - Relating to WV Public Employee Retirement System

Com. Sub. for S. B. 443 - Including police and firefighter as electors of trustees for certain pension funds (original similar to HB4431, HB4539)

Com. Sub. for S. B. 524 - Placing duties and functions of certain boards and commissions under Department of Arts, Culture, and History (original similar to HB4504)

S. B. 542 - Transferring Broadband Enhancement Council from Department of Commerce to Department of Economic Development (original similar to HB4478)

S. B. 570 - Establishing training for law-enforcement in handling individuals with Alzheimer's and dementias (original similar to HB4521)

Com. Sub. for S. B. 574 - Relating to WV PEIA

S. B. 591 - Relating to process for filling vacancies in state Legislature

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2022

Monday, February 14, 2022

1 p.m.

Natural Resources

(Room 208W)