

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, 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, 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 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.

Without objection, the Senate returned to the third order of business.

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 aforesated 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 aforesated motion had prevailed.

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 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 title amendment to the Senate amendments to the bill, passage as amended, 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 senator was removed as a co-sponsor of the following bill on February 11, 2022:

Senate Bill 621: Senator Baldwin.

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.

SENATE CALENDAR

**Tuesday, February 15, 2022
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 45 - US Army CPL John D. Doyle, Sr. Memorial Road
- S. C. R. 46 - Supporting North Central WV aviation and aerospace industries
- S. R. 26 - Designating month of February, 2022, as Self-Care Awareness month
- S. R. 27 - Recognizing WV Kids Cancer Crusaders on International Childhood Cancer Awareness Day

THIRD READING

- Eng. Com. Sub. for S. B. 33 - Protecting consumers against businesses using automatic renewals without consent
- Eng. Com. Sub. for S. B. 330 - Authorizing DOT to promulgate legislative rules (original similar to HB4169)
- Eng. S. B. 531 - Increasing annual salaries of certain state employees - (With right to amend) (original similar to HB4533)
- Eng. 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.
- Eng. H. B. 4312 - Extending the option of electronic absentee ballot transmission to first responders in certain emergency circumstances - (Com. title amend. pending)

SECOND 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

FIRST READING

Com. Sub. for S. B. 371 - Authorizing miscellaneous boards and agencies to promulgate legislative rules (original similar to HB4210)

Eng. Com. Sub. for H. B. 3312 - Establishing a memorial to child labor and child workers who died in the course of employment in this state

Eng. H. B. 4308 - Authorizing disclosure of juvenile information to Crime Victims Compensation Fund for investigation and award of benefits - (Com. amend. and title amend. pending)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2022

Tuesday, February 15, 2022

10 a.m.	Transportation & Infrastructure	(Room 451M)
10 a.m.	Military	(Room 208W)

