

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

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

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Charleston, West Virginia, Tuesday, February 15, 2022

The Senate met at 11:01 a.m.

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

Prayer was offered by Pastor Matt Friend, Senior Pastor, Bible Center Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Eric Nelson, Jr., a senator from the seventeenth district.

Pending the reading of the Journal of Monday, February 14, 2022,

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

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

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 2257**—A Bill to amend the Code of West Virginia, as amended, by adding thereto a new section, designated §62-12-30, relating to extended supervision for certain drug offenders; specifying that the section shall apply to a person with a second or subsequent conviction; establishing supervised release penalty of up to 10 years for certain drug offenders; establishing when period of supervised release begins; providing for supervision by multijudicial circuit probation officers; clarifying terms of supervised release same as those for probation; establishing a fee for supervised release; establishing that court may modify or revoke supervised release; providing court required probation officer provide written conditions; providing for supervised release following revocation; providing for delayed revocation.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 15**—Requesting the Division of Highways name bridge number 18-331/00-003.99 (18A126), locally known as Cottageville Arch (SCDA), carrying WV 331 over Mill Creek in Jackson county the "Thomas Brothers Memorial Bridge".

Referred to the Committee on Transportation and Infrastructure.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 58**—Recognizing February 14, 2022, as National Donor Day.

Referred to the Committee on Rules.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 59**—Requesting the Division of Highways name bridge number 29-093/00-003.42 (29A054), locally known as Claysville Bridge, carrying WV 93 over New Creek in Mineral County, the "Warrant Officer James Gilbert Bosley Memorial Bridge".

Referred to the Committee on Transportation and Infrastructure.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 60**—Requesting the Division of Highways name bridge number 18-077/00-145.78 (NB-SB) (18A172), locally known as Sandy Creek NB-SB bridges, carrying I-77 over Sandy Creek in Jackson County, the "Fire Chief Lee Thomas Memorial Bridge".

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 15th day of February, 2022, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**(H. B. 2325)**, Removing the requirement of continuing education for barbers and cosmetologists.

**(Com. Sub. for H. B. 4062)**, Removing the residency requirement for the Commissioner of the Division of Highways.

**(Com. Sub. for H. B. 4074)**, Require schools provide eating disorder and self-harm training for teacher and students.

And,

**(H. B. 4301)**, Reforming membership requirements of Huntington Park and Recreation District Board.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*

Dean Jeffries,  
*Chair, House Committee.*

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 247** (originating in the Committee on Health and Human Resources), Relating to certified community behavioral health clinics.

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

**Com. Sub. for Com. Sub. for Senate Bill 247** (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29, relating to certified community behavioral health clinics; providing that the state Medicaid agency shall develop, seek approval of, and implement a Medicaid state plan amendment as necessary and appropriate to effectuate a system of Certified Community Behavioral Health Clinics (CCBHCs); providing that a state certification system for Certified Community Behavioral Health Clinics shall be developed; setting forth state certification requirements; providing parties eligible to apply for certification as a Certified Community Behavioral Health Clinic; and providing that participation in the Certified Community Behavioral Health Clinic program is voluntary.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

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

Your Committee on Education has had under consideration

**Senate Bill 268**, Creating exemption from compulsory school attendance for child who participates in learning pod or micro school.

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

**Com. Sub. for Senate Bill 268** (originating in the Committee on Education)—A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to creating a new exemption from compulsory school attendance for a child who participates in a learning pod or microschoo; defining learning pod and microschoo; requiring parent or custodian to present to the county superintendent or county board a notice of intent to participate in the learning pod or microschoo; establishing qualifications for person or persons providing instruction; requiring annual academic assessment of the child in one of four specified ways; requiring the county board upon request to notify the parents or legal guardian of the services available to assist in the assessment of the child's eligibility for special education services; requiring the county superintendent to offer such assistance as may assist the person or persons providing instruction; allowing any child participating in a learning pod or microschoo to attend any class offered by the county board under certain conditions; providing that no learning pod or microschoo is subject to any other provision of law relating to education; and clarifying that learning pods and microschoos are not the same as homeschooling.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 543**, Creating Unemployment Compensation Insurance Fraud Unit within Workforce WV.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 584**, Relating to critical needs and failing systems sub account.

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

**Com. Sub. for Senate Bill 584** (originating in the Committee on Finance)—A Bill to amend and reenact §31-15A-10 and §31-15A-17c of the Code of West Virginia, 1931, as amended, all relating generally to the West Virginia Infrastructure and Jobs Development Council; modifying when funds may be converted to grants; removing congressional district limitations; increasing the cap on annual spending that may be made on the pre-application process to project sponsors;

critical needs and failing systems sub account; increasing the cap relating to providing extensions to a water facility or wastewater facility from \$1 million to \$2 million; and permitting a person or governmental agency to pay any overages of an approved project not to exceed 10 percent of the total project cost.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. House Bill 4048**, WV Keep, Bear and Drive with Arms Act.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. Com. Sub. for House Bill 4114**, Authorizing certain agencies of the Department of Administration to promulgate legislative rules.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. House Bill 4299**, To prohibit the intentional interference with election processes and creating associated criminal penalties.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senator Takubo:**

**Senate Bill 635**—A Bill to repeal §11-17-4a, §11-17-4b, and §11-17-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-17-2, §11-17-3, and §11-17-7 said code, all relating to the Tobacco Products Excise Tax Act; repealing discounts on tax stamps; adding definition of "Electronic smoking device"; increasing taxes on tobacco products; and providing that 10 percent of the revenue collected be dedicated to the West Virginia Division of Tobacco Prevention.

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

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

**Senate Bill 636**—A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Revenue, West Virginia Office of Tax Appeals, fund 0593, fiscal year 2022, organization 0709, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

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

**Senate Bill 637**—A Bill supplementing and amending the appropriations of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Executive, Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2022, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

**By Senator Nelson:**

**Senate Bill 638**—A Bill to amend and reenact §24-2H-6 of the Code West Virginia, 1931, as amended, relating to the Public Service Commission; and changing hearing location and customer notice provisions in a distressed or failing utility and formal proceeding.

Referred to the Committee on Government Organization.

**By Senator Nelson:**

**Senate Bill 639**—A Bill to amend and reenact §8-11-4 of the Code of West Virginia, 1931, as amended, relating to municipal corporations; providing for powers and duties with respect to

ordinances and ordinance procedures; and providing a 45-day waiting period before a water and/or sewer rate increase may go into effect for any locally rate regulated municipality.

Referred to the Committee on Government Organization.

**By Senator Nelson:**

**Senate Bill 640**—A Bill to amend and reenact §24-1-9 of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission; and eliminating the requirement of sending certain recommended decisions by certified mail.

Referred to the Committee on Government Organization.

**By Senator Nelson:**

**Senate Bill 641**—A Bill to amend and reenact §7-14D-7 of the Code of West Virginia, 1931, as amended, relating to deputy sheriff retirement; allowing the Consolidated Public Retirement Board to set county commission contribution levels; requiring the level to be set actuarially; and providing an effective date.

Referred to the Committee on Pensions.

**By Senator Nelson:**

**Senate Bill 642**—A Bill to amend and reenact §5-10-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-10D-1 of said code; to amend and reenact §7-14D-5 of said code; to amend and reenact §8-22A-6 of said code; and to amend said code by adding thereto a new article, designated §15-15-1, §15-15-2, §15-15-3, §15-15-4, §15-15-5, §15-15-6, §15-15-7, §15-15-8, §15-15-9, §15-15-10, §15-15-11, §15-15-12, §15-15-13, §15-15-14, §15-15-15, §15-15-16, §15-15-17, §15-15-18, §15-15-19, §15-15-20, §15-15-21, §15-15-22, §15-15-23, §15-15-24, §15-15-25, §15-15-26, §15-15-27, §15-15-28, §15-15-29, §15-15-30, §15-15-31, §15-15-32, §15-15-33, §15-15-34, §15-15-35, and §15-15-36; to amend and reenact §16-5V-6 of said code; and to amend and reenact §20-18-6 of said code, all relating to establishing the West Virginia Public Safety Employees Retirement System; providing for additional members of the Consolidated Public Retirement Board; and providing for criminal offense of defrauding the system and penalties therefor.

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

**By Senator Swope:**

**Senate Bill 643**—A Bill to amend and reenact §8-29A-2 of the Code of West Virginia, 1931, as amended, relating to removing the residency requirement of members appointed to a county airport authority.

Referred to the Committee on Economic Development.

**By Senator Rucker:**

**Senate Bill 644**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5G-16, relating to creating the Charter Schools Stimulus Fund to provide financial support to charter school applicants and charter schools that may not otherwise have the resources for start-up costs and costs associated with renovating or remodeling existing buildings and structures; requiring State Board of Education rules; specifying requirements the rules are to include; requiring the West Virginia Professional Charter School Board to distribute moneys from the fund to qualifying charter school applicants and charter

schools; specifying the manner of distribution; and requiring reimbursement of grant amount plus interest if the recipient hasn't begun operating a charter school within the next 18 months.

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

**By Senator Karnes:**

**Senate Bill 645**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-20A-1, §18-20A-2, §18-20A-3, §18-20A-4, §18-20A-5, §18-20A-6, §18-20A-7, §18-20A-8, §18-20A-9, §18-20A-10, §18-20A-11, §18-20A-12, §18-20A-13, §18-20A-14, and §18-20A-15, all relating to regulating schools for students with disabilities; defining terms; limiting application of new article; requiring promulgation of rules for the management and operation of schools for students with disabilities; prohibiting the opening, operating, or conducting of any school for students with disabilities without a license; allowing the state superintendent or his or her authorized agents to make unannounced inspections of each school for students with disabilities each year; allowing issuance of provisional or conditional license or certificate in certain instances; requiring state superintendent to cooperate with other state agencies in fulfilling their respective licensing and certification responsibilities regarding educational programs offered in group homes and residential facilities; requiring state board rules authorizing the assistance to and cooperation with other state agencies for this purpose; requiring application for a license to be filed with the state superintendent; requiring each school to submit and maintain a guaranty instrument payable to the State of West Virginia and conditioned to protect the contractual rights of students and other contracting parties; specifying commitments that each application must contain; limiting disability categories served to those on license; allowing state superintendent to establish fees and the methods for collecting fees for schools; requiring the license of each school to be renewed on or before the anniversary date set by the state superintendent; specifying causes for which the state superintendent may refuse to issue or renew a license or may revoke or suspend a license; allowing the state superintendent to issue a summary order of suspension of the license of a residential or day school for students with disabilities under certain conditions; providing that the willful and material failure to comply with the summary order of suspension or final order of summary suspension is a misdemeanor punishable by fine and confinement; providing for the state superintendent or his or her authorized agents, under certain conditions, to investigate the actions of any applicant for or any person or persons holding or claiming to hold a license to operate a school for students with disabilities; providing that any person who opens, operates, or conducts any school for students with disabilities without a license is guilty of a misdemeanor and subject to fine and confinement; and requiring the state superintendent to maintain a list of schools for students with disabilities holding valid licenses that must be available to the public.

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

**By Senator Beach:**

**Senate Bill 646**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to county boards of education; and requiring boards to provide free feminine hygiene products in grades six through 12.

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

**By Senators Smith, Clements, Grady, Karnes, Martin, Phillips, Sypolt, and Weld:**

**Senate Joint Resolution 9**—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to authorizing the Legislature by general law to exempt veterans who are awarded 100 percent service-connected disability from



paying all or part of the ad valorem real property taxes on the property comprising their residences; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senator Takubo offered the following resolution:

**Senate Resolution 28**—Designating February 16, 2022, as West Virginia Rural Health Workforce Day at the Legislature.

Whereas, The mission of the West Virginia Rural Health Association is to unite people, communities, and organizations to strengthen rural health in West Virginia by empowering all West Virginians to advance their quality of life, well-being, and access to excellence in rural health care; and

Whereas, West Virginia is one of the most rural states in America; and

Whereas, Based on the prevailing Office of Management and Budget and Census Bureau definitions, about two thirds (64%) of the hard-working individuals in West Virginia live in rural communities; and

Whereas, West Virginia's rural health facilities have remained essential to West Virginia's efforts at responding to the unprecedented challenges emerging from the ongoing COVID-19 pandemic; and

Whereas, West Virginia Rural Health Workforce Day was established to emphasize the importance of rural hospitals, community health centers, county health departments, local free clinics, hospice care agencies, emergency medical service providers, and other health care providers. Their obligation is to serve the most rural areas of West Virginia and to recognize the efforts and contributions of these entities to address the unique challenges in rural health care; therefore, be it:

*Resolved by the Senate:*

That the Senate hereby designates February 16, 2022, as West Virginia Rural Health Workforce Day at the Legislature; and, be it

*Further Resolved,* That the Senate acknowledges the substantial efforts of these rural health care providers to overcome the barriers faced by West Virginians. Health care providers have worked hard during the ongoing COVID-19 pandemic to improve patient outcomes, patient experience, and to decrease the costs of care; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Rural Health Association.

Which, under the rules, lies over one day.

Senators Jeffries and Lindsay offered the following resolution:

**Senate Resolution 29**—Designating February 16, 2022, as West Virginia State University Day.

Whereas, West Virginia State University is a premier regional research university that is recognized nationally for its quality education, innovative teaching, and experiential learning.

The University was founded as the West Virginia Colored Institute by the West Virginia Legislature on March 17, 1891, as a public Historically Black College and University (HBCU) in Institute, West Virginia; and

Whereas, It is one of the original universities among the 1890 land-grant colleges and universities established by the second Morrill Act of 1890; and

Whereas, Along with academic programs, military education became an integral part of the curriculum, with the Legislature passing a bill to admit up to 60 cadets in 1899, graduating more than 900 second lieutenants and 15 major generals throughout the University's history; and

Whereas, In 1927, the university was accredited by the North Central Association (Higher Learning Commission) making it the first of 17 original schools to be certified by a regional association, becoming the first public college in West Virginia to be accredited by the North Central Association Higher Learning Commission; and

Whereas, In 1954, the United States Supreme Court gave its historic decision outlawing school segregation and West Virginia State rapidly transitioned to an integrated institution garnering national attention for substantial enrollment increases after the removal of racial barriers; and

Whereas, In 2004, the West Virginia Legislature approved the transition to university status; and

Whereas, West Virginia State University now offers a wide variety of academic program options leading to 27 baccalaureate and seven master's degrees and is constantly looking to add new programs to serve the state and region; and

Whereas, As one of only two land-grant institutions in the state, West Virginia State University's Extension Service serves all 55 counties and approximately 20,000 people annually, including through the statewide Healthy Grandfamilies program, which provides information and resources to grandparents raising their grandchildren; and

Whereas, As a regional research institution, West Virginia State University contributes significantly to state economic development efforts in the natural and social sciences, including agricultural, environmental, biomedical, and business and economics research endeavors; and

Whereas, Prominent alumni from West Virginia State University include scholars, celebrities, politicians, business leaders, and athletes who have distinguished themselves across the globe and changed the world, such as the Tuskegee Airmen, NBA legend Earl Lloyd, and Presidential Medal of Freedom recipient Katherine Johnson, who inspired the film, *Hidden Figures*; and

Whereas, West Virginia State University is a member of the NCAA Division II Mountain East Conference, fielding 10 men's and women's athletic teams that compete regularly for conference championships; and

Whereas, Since its founding 130 years ago, West Virginia State University has always proven to be a community of students, outstanding faculty and staff devoted to helping people excel and gain the education needed to launch successful careers; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 16, 2022, as West Virginia State University Day; and, be it

*Further Resolved*, That the Senate hereby recognizes West Virginia State University for its tremendous contributions to the State of West Virginia; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to Ericke S. Cage, Interim President of West Virginia State University.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 45**, US Army CPL John D. Doyle, Sr. Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Concurrent Resolution 46**, Supporting North Central WV aviation and aerospace industries.

On unfinished business, coming up in regular order, was reported by the Clerk.

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

The question being on the adoption of the resolution, and on this question, Senator Romano demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. C. R. 46) adopted.

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

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senator Romano regarding the adoption of Senate Concurrent Resolution 46 were ordered printed in the Appendix to the Journal.

**Senate Resolution 26**, Designating month of February, 2022, as Self-Care Awareness month.

On unfinished business, coming up in regular order, was reported by the Clerk.

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

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senator Grady regarding the adoption of Senate Resolution 26 were ordered printed in the Appendix to the Journal.

**Senate Resolution 27**, Recognizing WV Kids Cancer Crusaders on International Childhood Cancer Awareness Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

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

The question being on the adoption of the resolution, and on this question, Senator Caputo demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 27) adopted.

Thereafter, at the request of Senator Lindsay, and by unanimous consent, the remarks by Senator Jeffries regarding the adoption of Senate Resolution 27 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 33**, Protecting consumers against businesses using automatic renewals without consent.

On third reading, coming up in regular order, was read a third time and put upon its passage.

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

Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 33) passed with its title.

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

**Eng. Com. Sub. for Senate Bill 330**, Authorizing DOT to promulgate legislative rules.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 330) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 330) takes effect from passage.

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

**Senate Bill 531**, Increasing annual salaries of certain state employees.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, February 14, 2022, for amendments to be received on third reading, was read a third time.

On motion of Senator Baldwin, the following amendment to the bill was reported by the Clerk:

On page twenty-six, section eight-a, after line two hundred and two, by adding thereto a new subsection, designated subsection (n), to read as follows:

(n) In light of the vacancies of service personnel positions which continue to exist throughout our county boards of education, a study shall be undertaken through the cooperative efforts of the West Virginia Department of Education, Department of Health and Human Resources, and the joint legislative commission on government and finance toward determining the best method by which to address the process and feasibility of increasing the salary and benefits of these government employees with the goal of eliminating the need for additional governmental subsistence to provide for their families but without a diminution of their current benefits, support, and assistance in order to recruit, employ, and maintain this valuable workforce for the benefit of our children and schools.

Senator Tarr arose to a point of order that Senator Baldwin's amendment was not germane to the bill.

Which point of order, the President ruled well taken.

On motion of Senator Lindsay, the following amendments to the bill (Eng. S. B. 531) were next reported by the Clerk and considered simultaneously:

On page six, section five, after line one hundred twenty-six, by adding thereto a new subsection, designated subsection (k), to read as follows:

(k) Effective July 1, 2023, and every year thereafter, if the combined balance of funds in the Revenue Fund Shortfall Reserve Fund and the Revenue Fund Shortfall Reserve Fund – Part B established in §11B-2-20 of this code exceeds \$1,000,000,000, then \$50,000,000 shall be transferred from those funds to the General Revenue and all members in this article shall receive an average three percent across the board salary increase.;

On page thirteen, section two, after line fifty-nine, by adding thereto a new subsection, designated subsection (f), to read as follows:

(f) Effective July 1, 2023, and every year thereafter, if the combined balance of funds in the Revenue Fund Shortfall Reserve Fund and the Revenue Fund Shortfall Reserve Fund – Part B established in §11B-2-20 of this code exceeds \$1,000,000,000, then \$50,000,000 shall be transferred from those funds to the General Revenue and all teachers and employees in this article shall receive an average three percent across the board salary increase.;

And,

On page twenty-six, section eight-a, after line two hundred two, by adding thereto a new subsection, designated subsection (n), to read as follows:

(n) Effective July 1, 2023, and every year thereafter, if the combined balance of funds in the Revenue Fund Shortfall Reserve Fund and the Revenue Fund Shortfall Reserve Fund – Part B established in §11B-2-20 of this code exceeds \$1,000,000,000, then \$50,000,000 shall be transferred from those funds to the General Revenue and all service personnel in this article shall receive an average three percent across the board salary increase.

Following discussion,

The question being on the adoption of Senator Lindsay's amendments to the bill, and on this question, Senator Caputo demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Brown, Caputo, Geffert, Jeffries, Lindsay, Romano, Stollings, and Woelfel—10.

The nays were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—23.

Absent: Stover—1.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Lindsay's amendments to the bill rejected.

Engrossed Senate Bill 531 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 531 pass?"

Senator Grady requested a ruling from the Chair as to whether she should be excused from voting under Rule 43 of the Rules of the Senate as she is a public school educator.

The Chair replied that any impact on Senator Grady would be as a member of a class of persons and that she would be required to vote.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 531) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2022.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 531) takes effect July 1, 2022.

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

**Eng. Senate Bill 532**, Requiring reports to Joint Committee on Pensions and Retirement every five years on deferred retirement option plans.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 532) passed with its title.

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

**Eng. House Bill 4097**, To prohibit nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4097) passed.

On motion of Senator Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. House Bill 4097**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1A-9, relating to nonpublic funding sources for election administration and related expenses; prohibiting public officials and bodies responsible for elections in West Virginia from directly receiving or accepting money or anything of value for election administration and related expenses from private parties; creating Nonpublic Funding for Election Administration Fund for receipt of all gifts of money from private parties for election



administration and related expenses; prescribing use of monies in fund; providing for balance to remain in fund; requiring investment of monies in fund; requiring Secretary of State to administer fund with approval of State Election Commission; requiring Secretary of State with approval of State Election Commission to accept, distribute, and utilize private gifts of tangible property or non-monetary things of value for election administration and related expenses; and authorizing Secretary of State to promulgate legislative rules.

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

**Eng. House Bill 4312**, Extending the option of electronic absentee ballot transmission to first responders in certain emergency circumstances.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4312) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. House Bill 4312**—A Bill to amend and reenact §3-3-1 and §3-3-5 of the Code of West Virginia, 1931, as amended, all relating to permitting first responders to vote by electronic absentee ballot in certain emergency circumstances; defining "qualified first responder" and providing examples; providing for submittal and acceptance of qualified first responder absentee voting applications; providing for transmittal of ballots to qualified first responders; and providing for processing of received electronic absentee ballots cast by qualified first responders.

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

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 86**, Creating criminal offense of sexual extortion.

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

**Com. Sub. for Senate Bill 146**, Relating to interpretations of school laws.

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

**Com. Sub. for Senate Bill 415**, Capping severance tax collections in general revenue at specified percentage.

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

**Senate Bill 442**, Relating to WV Public Employee Retirement System.

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

**Com. Sub. for Senate Bill 443**, Including police and firefighter as electors of trustees for certain pension funds.

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

**Com. Sub. for Senate Bill 524**, Placing duties and functions of certain boards and commissions under Department of Arts, Culture, and History.

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

**Senate Bill 542**, Transferring Broadband Enhancement Council from Department of Commerce to Department of Economic Development.

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

**Senate Bill 570**, Establishing training for law-enforcement in handling individuals with Alzheimer's and dementias.

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

**Com. Sub. for Senate Bill 574**, Relating to WV PEIA.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

**Senate Bill 591**, Relating to process for filling vacancies in state Legislature.

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

The Senate proceeded to the tenth order of business.

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

**Com. Sub. for Senate Bill 371**, Authorizing miscellaneous boards and agencies to promulgate legislative rules.

**Eng. Com. Sub. for House Bill 3312**, Establishing a memorial to child labor and child workers who died in the course of employment in this state.

And,

**Eng. House Bill 4308**, Authorizing disclosure of juvenile information to Crime Victims Compensation Fund for investigation and award of benefits.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Karnes, Weld, and Hamilton.

Thereafter, at the request of Senator Woelfel, and by unanimous consent, the remarks by Senator Karnes were ordered printed in the Appendix to the Journal.

At the request of Senator Lindsay, unanimous consent being granted, the remarks by Senators Weld and Hamilton were ordered printed in the Appendix to the Journal.

At the request of Senator Stollings, and by unanimous consent, the Senate returned to the eleventh order of business and the introduction of guests.

The Senate again proceeded to the twelfth order of business.

Remarks were made by Senator Karnes.

At the request of Senator Karnes, and by unanimous consent, the Senate stood in observance of a moment of silence in recognition of D. Shawn Hamilton, son of the Honorable Bill Hamilton, a senator from the eleventh district, and other victims of the drug addiction epidemic in West Virginia.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 14, 2022:

**Senate Bill 111:** Senator Takubo;

**Senate Bill 503:** Senator Rucker;

**Senate Bill 562:** Senator Rucker;

**Senate Bill 622:** Senator Jeffries;

**Senate Bill 623:** Senator Woelfel;

**Senate Bill 631:** Senator Roberts;

**Senate Bill 632:** Senator Phillips;

**Senate Concurrent Resolution 46:** Senators Phillips, Caputo, Hamilton, Romano, Martin, and Jeffries;

**Senate Resolution 26:** Senators Lindsay and Jeffries;

And,

**Senate Resolution 27:** Senators Baldwin, Lindsay, Stollings, Caputo, Hamilton, and Romano.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 12:23 p.m., the Senate adjourned until tomorrow, Wednesday, February 16, 2022, at 11 a.m.

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## **SENATE CALENDAR**

**Wednesday, February 16, 2022  
11:00 AM**

### **UNFINISHED BUSINESS**

S. R. 28 - Designating February 16, 2022, as WV Rural Health Workforce Day at Legislature

S. R. 29 - Designating February 16, 2022, as WV State University Day

### **THIRD READING**

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

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

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

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

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

Eng. 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)

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

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

Eng. Com. Sub. for S. B. 574 - Relating to WV PEIA - (With right to amend)

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

### **SECOND 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)

### **FIRST READING**

Com. Sub. for Com. Sub. for S. B. 247 - Relating to certified community behavioral health clinics (original similar to HB4374)

Com. Sub. for S. B. 268 - Creating exemption from compulsory school attendance for child who participates in learning pod or micro school

Com. Sub. for S. B. 543 - Creating Unemployment Compensation Insurance Fraud Unit within Workforce WV.

Com. Sub. for S. B. 584 - Relating to WV Infrastructure and Jobs Development Council (original similar to HB4755)

Eng. H. B. 4048 - WV Keep, Bear and Drive with Arms Act - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 4114 - Authorizing certain agencies of the Department of Administration to promulgate legislative rules

Eng. H. B. 4299 - To prohibit the intentional interference with election processes and creating associated criminal penalties - (Com. amend. and title amend. pending)

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2022**

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**Wednesday, February 16, 2022**

10 a.m.

Workforce

(Room 208W)