

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE  
REGULAR SESSION, 2022  
FORTY-EIGHTH DAY

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Charleston, West Virginia, Monday, February 28, 2022

The Senate met at 11:08 a.m.

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

Prayer was offered by Pastor Deborah Thomas, Nondenominational Fellowship Pentecostal Ministries, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael T. Azinger, a senator from the third district.

Pending the reading of the Journal of Friday, February 25, 2022,

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

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

The Senate then proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 223**, Relating to procedure to settle decedents' estates.

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

**Com. Sub. for Senate Bill 223** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §44-2-1 and §44-2-29 of the Code of West Virginia, 1931, as amended; to amend and reenact §44-3A-4a and §44-3A-19 of said code; and to amend and reenact §44-4-9 of said code, all relating to the procedure to settle estates of decedents; abolishing the requirement to publish a short form settlement of estates of decedents; providing for short form filing procedure; and updating language and style.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 223) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 266**, Adding definition of "ammunition" for purposes of obtaining state license to carry concealed deadly weapon.

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

**Com. Sub. for Senate Bill 266** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to adding definition of "ammunition" for purposes of the live fire requirement for obtaining a license to carry a concealed deadly weapon; and clarifying that marked rounds and training ammunition may be used in the required training course.

And,

**Senate Bill 413**, Clarifying crime of stalking.

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

**Com. Sub. for Senate Bill 413** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-2-9a of the Code of West Virginia, 1931, as amended, relating to clarifying the criminal offense of harassment; defining "stalking" and clarifying that stalking is a form of harassment.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bills (Com. Sub. for S. B. 266 and 413) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 422**, Relating to DNA data maintained for law-enforcement purposes.

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

**Com. Sub. for Senate Bill 422** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-2B-2, §15-2B-3, §15-2B-5, §15-2B-6, §15-2B-9, and §15-2B-11 of the Code of West Virginia, 1931, as amended, all relating to DNA that is maintained for law-enforcement purposes in West Virginia; providing updates for the policy of maintaining DNA; updating definitions; adding language to further define and include qualified arrestees in the state DNA database; requiring testing of qualified arrestees on intake; requiring a DNA sample from individuals convicted of a felony on or after March 9, 1995; specifying testing methods; authorizing emergency and legislative rules; specifying expungement for qualified arrestees in certain circumstances; and providing failure to expunge or reasonable delay in expungement will not invalidate an identification, warrant, probable cause to arrest or arrest based upon a database match

With the recommendation that the committee substitute do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 422) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

At the request of Senator Trump, and by unanimous consent, the bill was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 606**, Relating to WV Medical Practice Act.

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

**Com. Sub. for Senate Bill 606** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §30-3-14 of the Code of West Virginia, 1931, as amended, relating to reporting requirements under the West Virginia Medical Practice Act; imposing a duty on persons licensed or authorized by the West Virginia Board of Medicine to report certain incidents to the Board; providing reporting deadlines; providing failure to report constitutes unprofessional conduct and grounds for disciplinary action; providing exception to reporting requirement for certain physicians; providing for immunity from civil liability for reports in good faith and without fraud or malice; providing reports made in bad faith, fraudulently, or maliciously constitute

unprofessional conduct and grounds for disciplinary action; modifying grounds for denial of application and discipline; and providing rulemaking authority.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 606) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

**Com. Sub. for Senate Bill 610**, Relating to duties, powers and responsibilities of DOT Secretary.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 610) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

**Senate Bill 645**, Regulating private schools for students with disabilities.

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

**Com. Sub. for Senate Bill 645** (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-20A-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, and §18-20A-10, all relating to regulating schools for students with disabilities; defining terms; limiting application of new article; requiring State Board of Education 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 to operate the school issued by the State Superintendent of Schools; allowing the state superintendent or his or her authorized agents to make unannounced inspections of each school for students with disabilities; 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; requiring each school to acquire appropriate insurance; providing that neither the state, state board, or state superintendent shall incur any liability from the actions or inactions of a licensed school or any of its employees; allowing a school for students with disabilities to offer education programs serving only the disability categories specifically indicated on its license; allowing state superintendent to establish fees and the methods for collecting such fees for schools as he or she deems necessary to carry out the provisions of the new article; allowing the state superintendent to refuse to issue or renew a license or allowing the state superintendent to revoke or suspend the license of any school for a violation of any provision of this new article or any rule of the state board promulgated pursuant thereto; 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.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 645) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of Committee Substitute for Senate Bill 645.

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

Your Committee on the Judiciary has had under consideration

**Com. Sub. for Senate Bill 647** (originating in the Committee on Health and Human Resources), Prohibiting discrimination in organ donation process.

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

**Com. Sub. for Com. Sub. for Senate Bill 647** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-65-1, §16-65-2, §16-65-3, and §16-65-4, all relating to prohibiting discrimination based on an individual's mental or physical disability relating to access to organ transplantation; setting forth legislative findings; defining terms; prohibiting a covered entity from taking certain actions solely on the basis of a qualified individual's mental or physical disability; providing exceptions; providing that it is not medically significant if an individual cannot independently comply with post-transplant medical requirements if the individual has the necessary support system; requiring a covered entity to make reasonable modifications in

policies, practices, or procedures; prohibiting a covered entity from denying services; providing an exception; requiring a covered entity to comply with specified federal laws; and providing enforcement mechanisms.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 647) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 659**, Relating to nonintoxicating beer, wine, and liquor licenses and requirements.

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

**Com. Sub. for Senate Bill 659** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-16-5a; to amend and reenact §11-16-8 of said code; to amend said code by adding thereto a new section, designated §60-1-3a; to amend and reenact §60-3A-17 of said code; to amend and reenact §60-6-24 of said code; to amend and reenact §60-7-2, and §60-7-6 of said code; to amend and reenact §60-8-6c of said code; and to amend and reenact §61-8-27 of said code, all relating to nonintoxicating beer, wine, and liquor licenses and requirements; providing for modification of the 300 foot requirement to 200 feet; clarifying that licensees are not required to place nonintoxicating beer, nonintoxicating craft beer, and alcoholic liquors in a bag after purchase; revising the blood alcohol chart; increasing the minimum mark-up to 112.5 percent for sales to the general public and to 115 percent to licensees; creating a license for a private bakery to produce confections with alcohol added and setting a license fee; creating a license for a private cigar shop to, where legally permissible, permit the sale of alcohol, food, and cigars for on-premises consumption, and setting a license fee; creating a license for a private college sports stadium for alcohol sales in certain areas of Division I, II, or III sports stadiums, and setting a license fee; creating a license for a private food truck to conduct food and alcohol sales at various locations when permitted by a municipality, and setting a license fee; permitting private hotels and private resort hotels to apply for a private caterer license; authorizing private hotels and private resort hotels to utilize in-room mini-bars for limited alcohol sales to adults 21 year of age and over; authorizing wine growler sales where wine may be mixed with ice and water to produce a frozen alcoholic beverage for sale in sealed wine growlers, and additional requirements; and providing additional exceptions to the criminal penalty for the unlawful admission of children to a dance hall for certain private clubs with an age verification system.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 659) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

**Senate Bill 687**, Relating to meetings among county boards of education.

And,

**Senate Bill 711**, Establishing alternative educational opportunities for elective course credit.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bills (S. B. 687 and 711) contained in the preceding report from the Committee on Education were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 726** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-11-22 and §61-11-22a of the Code of West Virginia, 1931, as amended, all relating to pretrial diversion agreements and deferred prosecution agreements generally; listing offenses for which pretrial diversion prohibited; listing offenses where defendant is authorized under certain circumstances and with certain limitations; and setting out procedures for deferred prosecutions.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 726) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

**Eng. Com. Sub. for House Bill 4426**, Repeal article 33-25G-1 *et seq.* creating provider sponsored networks.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Health and Human Resources.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Health and Human Resources.

The Senate proceeded to the sixth order of business.

Senator Takubo offered the following resolution:

**Senate Resolution 43**—Recognizing all West Virginia respiratory therapists during the month of March and the outstanding contributions of West Virginia Respiratory Therapists to patient care.

*Whereas*, Respiratory therapists are the front-line experts in ventilator management and have worked tirelessly to care for patients in critical need before and during the ongoing COVID-19 public health emergency; and

*Whereas*, Respiratory therapists are the only allied health professionals clinically educated in all aspects of pulmonary medicine and who treat and care for patients with deficiencies and abnormalities of the cardiopulmonary system; and

*Whereas*, Respiratory therapists' expertise is applicable in many settings, including, but not limited to, various in-patient and out-patient facilities (such as acute care, urgent care, long-term care, subacute care, skilled nursing facilities), physicians' offices, sleep laboratories and clinics, and patients' homes; and

*Whereas*, Respiratory therapists' invaluable contributions to the health care system and their patients' health and well-being too often go unrecognized; therefore, be it

*Resolved by the Senate:*

That the Senate recognizes all West Virginia respiratory therapists during the month of March and the outstanding contributions of West Virginia Respiratory Therapists to patient care; and, be it



*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Society for Respiratory Care and the Secretary of the West Virginia Department of Health and Human Resources.

Which, under the rules, lies over one day.

Senator Geffert offered the following resolution:

**Senate Resolution 44**—Recognizing Leadership Jefferson for its service, dedication, and commitment to Jefferson County.

Whereas, The objective of Leadership Jefferson is to promote knowledge and awareness of the problems, opportunities, and issues facing Jefferson County; and

*Whereas*, Leadership Jefferson is designed to provide a series of educational and participatory experiences, as well as an opportunity for dialogue and the development of a correlation among participants to encourage local participation in the growth of Jefferson County; and

*Whereas*, The membership of Leadership Jefferson includes individuals from nearly every facet of Jefferson County's business, professional, religious, governmental, educational, civic, the arts, organized labor, and minority organizations who demonstrate a commitment to the community; and

*Whereas*, The 2022 membership of Leadership Jefferson consists of: Cathy Baldau, Harpers Ferry Park Association; Susan Benzinger, retired attorney; Jennifer Cogle, Jefferson County Schools Teacher of the Year; Jane Crowther, Omega Protein, Inc Refined Oils; Dana DeJarnett, WVU Medicine; Kelly Franklin, Jefferson Day Report Center; Betsy Gambino, WVU Medicine-Berkeley Medical Center; Jeffrey Hynes, City of Charles Town; Darrell Jones, SVG Commercial Cleaning; Harry Longerbeam, River Riders; Gregory Petersen, Jefferson County Community Ministries; Susan Reichel, contractor for Coldwell Banker, Leah Taber, Harpers Ferry National Park; Kim Teska, self-employed; Amanda Wilson, American Public University; Heather McIntyre, Jefferson County Chamber of Commerce; and Andrew Skinner, Skinner Law Firm; therefore, be it

*Resolved by the Senate*:

That the Senate hereby recognizes Leadership Jefferson for its service, dedication, and commitment to Jefferson County; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials of Leadership Jefferson.

Which, under the rules, lies over one day.

Senators Takubo and Baldwin offered the following resolution:

**Senate Resolution 45**—Designating the month of March as American Red Cross month.

*Whereas*, In times of crisis people in West Virginia come together to care for one another. This humanitarian spirit is part of the foundation of our community and is exemplified by our local American Red Cross volunteers and donors; and

*Whereas*, In 1881, Clara Barton founded the American Red Cross, turning her steadfast dedication for helping others into a bold mission of preventing and alleviating people's suffering; and

*Whereas*, Today more than 140 years later, we honor the kindness and generosity of Red Cross volunteers here in West Virginia, who continue to carry out Clara's lifesaving legacy. They join the millions of people across the United States who volunteer, give blood, donate financially, or learn vital life-preserving skills through the Red Cross; and

*Whereas*, In West Virginia, the contributions of local Red Cross volunteers give hope to the most vulnerable in their darkest hours, whether it is providing emergency shelter, food, and comfort for families devastated by local disasters like home fires and severe weather, donating essential blood for accident and burn victims, heart surgery and organ transplant patients, and those receiving treatment for leukemia, cancer or sickle cell disease; supporting service members and veterans, along with their families and caregivers through the unique challenges of military life; helping to save lives of others with first aid, CPR and other skills, or delivering international humanitarian aid; and

*Whereas*, Last year in West Virginia with the challenges of the pandemic, the Red Cross assisted nearly 650 families impacted by the disaster, installed over 1,200 smoke alarms, educated nearly 2,000 students in preparedness education, collected almost 35,000 units of lifesaving blood at over 2,100 blood drives, trained over 18,000 in lifesaving skills such as CPR and first aid, provided almost 3,000 services to over 1,300 military members, veterans, and their families through the efforts of over 600 West Virginia volunteers; and

*Whereas*, Their work to prevent and alleviate human suffering is vital to strengthening West Virginia's resilience. We dedicate this month of March to all those who continue to advance the noble legacy of the American Red Cross' founder, Clara Barton, who lived by her words, "You must never think of anything except the need, and how to meet it."; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes the month of March as Red Cross Month; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the representatives of the American Red Cross, West Virginia Region.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 53**, Requesting Office of Miners' Health, Safety, and Training study need for health, safety, and training division in energy producing facilities.

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

The question being on the adoption of the resolution, the same was put and prevailed.

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

**Senate Resolution 22**, Commemorating 250th anniversary of Berkeley County.

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

The question being on the adoption of the resolution, the same was put and prevailed.

**Senate Resolution 41**, Designating February 28, 2022, as Recovery Community Day.

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

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

**Senate Resolution 42**, Recognizing 911 public safety telecommunicators as true "first responders".

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

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

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 71**, Prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, or other legal requirements.

On third reading, coming up in regular order, with the right having been granted on February 25, 2022, for amendments to be received on third reading, was read a third time.

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

On page three, section four, after line fourteen, by adding thereto a new subsection, designated subsection (f), to read as follows:

(f) If any provision of this article jeopardizes the receipt by a political subdivision of any federal grant-in-aid funds or other federal allotment of money, the provisions of this article shall, insofar as the fund is jeopardized, be deemed to be inoperative.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 71 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 71 pass?"

On the passage of the bill, the yeas were: Azinger, Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—22.

The nays were: Baldwin, Beach, Brown, Caputo, Geffert, Jeffries, Lindsay, Plymale, Romano, Stollings, and Woelfel—11.

Absent: Boley—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. 71) passed.

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

**Eng. Com Sub. for Senate Bill 71**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5J-1, §21-5J-2, §21-5J-3, and §21-5J-4, all relating to prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements; providing a short title; defining terms; prohibiting political subdivisions from adopting, enforcing, or administering certain local requirements; clarifying effect on prior written agreements; providing that any prohibited local requirement in effect prior to the effective date is void; clarifying effect on lawfully enacted zoning ordinances; clarifying that article does not apply to municipal solid waste or recycling collection programs; clarifying that article does not apply to employees of a political subdivision; clarifying effect on the West Virginia Alcohol and Drug-Free Workplace Act and certain similar requirements; and clarifying that any provision of article that jeopardizes receipt of federal funding to political subdivision is deemed inoperative.

*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 420**, Relating to distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments.

On third reading, coming up in regular order, with the right having been granted on February 25, 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 420 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 420 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, 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: Boley—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. 420) passed with its title.

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

On this question, the yeas were: Azinger, Baldwin, Beach, 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: Boley—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. 420) takes effect July 1, 2022.

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

**Eng. Com. Sub. for Senate Bill 466**, Relating to limitations on civil actions or appeals brought by inmates.

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, 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)—31.

The nays were: Brown—1.

Absent: Beach and Boley—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. 466) 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 522**, Combining offices of WV State Americans with Disabilities Act and WV Equal Employment Opportunity.

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, 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: Boley—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. 522) 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 536**, Relating generally to controlled substance criminal offenses.

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 536 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, 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: Boley—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. 536) passed with its title.

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

Thereafter, at the request of Senator Grady, and by unanimous consent, the remarks by Senators Phillips and Woodrum as to the passage of Engrossed Committee Substitute for Senate Bill 536 were ordered printed in the Appendix to the Journal.

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

Having been read a third time on February 25, 2022, and now coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Eng. Com. Sub. for Senate Bill 582**, Creating WV Workforce Resiliency Act.

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

At the request of Senator Baldwin, unanimous consent was granted to offer an amendment to the bill on third reading.

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 33. WEST VIRGINIA WORKFORCE RESILIENCY ACT.**

**§29-33-1. Short title; purpose.**

(a) This article may be known and cited as the West Virginia Workforce Resiliency Act.

(b) It is the purpose of this article to establish an office within the Office of the Governor to coordinate workforce development, job training, education, and related programs and initiatives across agencies and entities to continue to grow West Virginia's workforce and provide greater options for West Virginians seeking work and West Virginia businesses seeking employees.

**§29-33-2. West Virginia Workforce Resiliency Office.**

(a) It is determined that a state authority is necessary to coordinate and better facilitate efforts toward workforce development, job training, education, and resource management between government agencies, private partners, federal programs, and all other entities working to develop, train, and reinvigorate West Virginia's workforce. Therefore, the West Virginia Workforce Resiliency Office is hereby created.

(b) The West Virginia Workforce Resiliency Office shall be organized within the Office of the Governor:

(1) The West Virginia Workforce Resiliency Officer shall be appointed by the Governor with the advice and consent of the Senate;

(2) The West Virginia Workforce Resiliency Officer shall be vested with the authority and duties prescribed to the office within this article; and

(3) The West Virginia Workforce Resiliency Officer shall be a person who has managerial or strategic planning experience in matters relating to workforce development, job training, or related fields.

**§29-33-3. Authority of West Virginia Workforce Resiliency Office and West Virginia Workforce Resiliency Officer.**

The West Virginia Workforce Resiliency Officer shall:

(a) Coordinate and work with the Commissioner of WorkForce West Virginia; the Secretary of the Department of Economic Development; the Secretary of the Department of Commerce; the Secretary of the Department of Health and Human Resources; the Secretary of the Department of Tourism; the Chancellor of the Higher Education Policy Commission; the President of West Virginia University; the President of Marshall University; the Director of the West Virginia Economic Development Authority; and such other representatives of private and public partners involved in workforce development as the West Virginia Workforce Resiliency Officer may deem necessary, to facilitate and unify efforts for workforce development, job training, and education of West Virginia's workforce.

(b) Assist in the development, implementation, and management of a common application for workforce development, job training, and wrap-around services available across agencies and programs, which shall be established to ensure that West Virginians encounter no wrongdoer when seeking out services and programs that may be available to them.

(c) Advise the Office of the Governor on the status and overall workforce development landscape across the State of West Virginia and assist in developing policies, plans, and procedures that will ensure that state agencies, private partners, and federal programs are efficiently, effectively, and properly utilized for workforce development across the State of West Virginia.

(d) Propose opportunities for legislative changes to the Office of the Governor that may result in more efficient, effective, and expedient access to programs across the State of West Virginia to improve workforce development.

#### **§29-33-4. Employees of the office.**

(a) The West Virginia Workforce Resiliency Officer shall have the power to hire, administer, and manage employees necessary to fulfill its responsibilities:

(1) All employees will be exempt from both the classified services category and the classified-exempt services category as set forth in §29-6-4 of this code;

(2) Employee positions are contingent upon the receipt of necessary federal and/or state funds;

(3) Each employee hired shall be deemed an at-will employee who may be discharged or released from his or her respective position without cause or reason;

(4) Due to the at-will employment relationship with the office, its employees may not avail themselves of the state grievance procedure as set forth in §6C-2-1 *et seq.* of this code;

(5) Employees may participate in the PEIA, PERS, workers' compensation, and unemployment compensation programs, or their equivalents; and

(6) All employees and officers of the West Virginia Workforce Resiliency Office who are entrusted with funds or property shall execute surety bonds.

(b) The West Virginia Workforce Resiliency Officer will set appropriate salary rates for employees equivalent to a competitive wage rate necessary to support a specific mission.

#### **ARTICLE 34. STATE RECOVERY AND HOPE ACT.**

##### **§29-34-1. Short title; legislative findings; purpose.**

(a) This article may be known and cited as the Recovery and Hope Act.

(b) The West Virginia Legislature finds that:

(1) The substance use disorder epidemic in the State of West Virginia has created a public health crisis, an economic crisis, and a social services crisis for our state;



(2) The State of West Virginia, through its various governmental branches and state agencies, offers several programs to assist the citizens of West Virginia battling substance use disorder, likewise, there are numerous programs offered by the federal government, local governments, and private entities to combat this epidemic; and

(3) Creation of the State Recovery and Hope Office is necessary to further the positive results of the Jobs and Hope Program implemented to date and to facilitate and coordinate the various programs offered through the State of West Virginia by and with the assistance of the legislative branch, the judicial branch, various federal agencies, local governments, community advocates, and private sector partners related to the prevention, treatment, and reduction of substance use disorder.

(c) It is the purpose of this article to create an office under the Office of the Governor to focus the comprehensive and coordinated statewide approach to provide West Virginians in need of treatment for substance use disorder with the support and assistance necessary to help provide assistance to combat addiction, as well as to assist those in recovery by providing them opportunities to obtain career training and to ultimately secure meaningful employment, thereby further bettering our people, our communities, and economic opportunities in this state. The office created by this article shall utilize the personnel and resources of the Department of Health and Human Resources and relevant agencies thereunder to the greatest extent practicable.

#### **§29-34-2. State Recovery and Hope Office.**

(a) The State Recovery and Hope Office is hereby created. The office shall be organized within the Office of the Governor. The office will serve as the coordinating agency of recovery efforts.

(b) The State Recovery and Hope Officer shall be appointed by the Governor with the advice and consent of the Senate.

(c) The State Recovery and Hope Officer shall be vested with the authority and duties prescribed to the office within this article.

(d) The State Recovery and Hope Officer shall be a person who has:

(1) Managerial or strategic planning experience in matters relating to substance use disorder treatment, recovery, and/or transition into the workforce; and

(2) Be thoroughly knowledgeable in matters relating to substance use disorder treatment, recovery, and matters relating thereto.

(e) The State Recovery and Hope Office shall be tasked with coordinating efforts toward the provision of needed assistance for those in treatment for substance use disorder, toward transitioning those in recovery with the opportunity to obtain career training, and toward ultimately securing meaningful employment.

#### **§29-34-3. Authority of State Recovery and Hope Office and State Recovery and Hope Officer.**

The State Recovery and Hope Office will coordinate the state's efforts to assist those experiencing substance use disorder in their recovery and transition into the workforce. The State

Recovery and Hope Officer shall serve as the primary representative of the Governor, and the agencies and departments of the state shall provide assistance, information, data, and/or resources to the State Recovery and Hope Office as may be requested from time to time. The State Recovery and Hope Officer will assist and advise the Governor on all recovery and workforce training issues for this population, and will serve as a liaison between the Governor's office and all other parties, whether state, federal, local, or private to further the purposes of this article. The State Recovery and Hope Officer will:

(1) Coordinate all planning and implementation efforts relating to substance use disorder treatment, recovery, and transition into the workforce;

(2) Coordinate an annual review of plans relating to substance use disorder treatment, recovery, and transition into the workforce;

(3) Recommend legislation to better facilitate the implementation of recovery efforts;

(4) Report to legislative committees, as called upon to do so;

(5) Establish and facilitate regular communication between federal, state, local, and private sector agencies and organizations to further recovery efforts;

(6) Receive resources, monetary or otherwise, from any other governmental entity or private source and disburse those resources to effectuate the purposes of this article;

(7) Execute cooperative agreements, where appropriate;

(8) Contract, where appropriate, on behalf of the State Recovery and Hope Office, with the federal government, its instrumentalities and agencies, any state, territory, or the District of Columbia, and its agencies and instrumentalities, municipalities, public bodies, private corporations, partnerships, associations, and individuals;

(9) Hire necessary employees at an appropriate salary equivalent to a competitive wage rate;

(10) Enroll appropriate employees in the Public Employees Retirement System, the Public Employees Insurance Agency, and workers' compensation and unemployment programs, or their equivalents: *Provided*, That the State Recovery and Hope Office, through the receipt of federal or state funds, or both, pays the required employer contributions;

(11) Have the ability to secure all other bonding, insurance, or other liability protections necessary for its employees to fulfill their duties and responsibilities;

(12) Utilize the personnel and resources of the Department of Health and Human Resources to the greatest extent practicable, and have the ability to draw upon other departments, divisions, agencies, and all other subdivisions of the state for research and input in fulfilling the requirements of this article, or to facilitate the implementation of the purposes of this article, and its requests are to have priority over other such requests;

(13) Participate in the interdepartmental transfer of permanent state employees, as if he or she were a department secretary, under the provisions of §5F-2-7 of this code;

(14) Notwithstanding any other provision of this code to the contrary, acquire legal services that are necessary, including representation of the office, its employees, and officers before any court or administrative body from the Office of the Attorney General, who shall provide such legal assistance and representation;

(15) Take all other actions necessary and proper to effectuate the purposes of this article; and

(16) The office shall have any other additional authority, duties, and responsibilities as prescribed by the Governor to effectuate the purposes of this article. Due to the at-will employment relationship with the office, its employees may not avail themselves of the state grievance procedure as set forth in §6C-2-1 et seq. of this code.

#### **§29-34-4. Employees.**

(a) The State Recovery and Hope Officer shall have the power to hire, administer, and manage employees, but only to the extent necessary to fulfill the office's responsibilities.

(1) Any and all employees will be exempt from both the classified services category and the classified-exempt services category as set forth in §29-6-4 of this code.

(2) Employee positions are contingent upon the receipt of the necessary federal or state funds, or both.

(3) Any employee hired shall be deemed an at-will employee who may be discharged or released from his or her respective position without cause or reason.

(4) Any employee may participate in the Public Employees Insurance Agency, the Public Employees Retirement System, and workers' compensation and unemployment compensation programs, or their equivalents.

(5) Any employees and officers of the State Recovery and Hope Office who are entrusted with funds or property shall execute surety bonds.

(b) The State Recovery and Hope Officer will set appropriate salary rates for any employees equivalent to a competitive wage rate necessary to support a specific mission.

Following discussion,

The question being on the adoption of Senator Baldwin's amendment to the bill, the same was put and prevailed.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 582 was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, 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: Boley—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. 582) passed.

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

**Eng. Com Sub. for Senate Bill 582**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-33-1, §29-33-2, §29-33-3, and §29-33-4; and to amend said code by adding thereto a new article, designated §29-34-1, §29-34-2, §29-34-3, and §29-34-4, all relating to creating the West Virginia Workforce Resiliency Act and Recovery and Hope Act; establishing the West Virginia Workforce Resiliency Office in the Office of the Governor; establishing the position of the West Virginia Workforce Resiliency Officer; setting forth the authority and duties of the West Virginia Workforce Resiliency Officer; allowing for the West Virginia Workforce Resiliency Officer to hire staff; creating the State Recovery and Hope Office, and providing powers thereof; providing for the appointment of the State Recovery and Hope Officer; and authorizing the State Recovery and Hope Officer to act.

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

**Eng. Senate Bill 603**, Prohibiting licensure and re-licensure in WV if applicant is prohibited from practicing in another jurisdiction.

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, 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: Boley—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 603) passed with its title.

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

**Eng. Senate Bill 638**, Changing hearing and notice provisions for failing or distressed public utilities.

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, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Roberts—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 638) 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 648,** Relating to Cable Television Systems Act.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Eng. Com. Sub. for Senate Bill 698,** Relating to number and selection of members for Governor's Veterans Council.

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

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

The nays were: None.

Absent: Boley and Roberts—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. 698) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Boley and Roberts—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. 698) 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 701**, Including children and spouses of deceased active-duty officers in eligibility for War Orphan Education Program.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, 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: Boley—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. 701) passed with its title.

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:34 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 5:11 p.m. and resumed consideration of the remainder of its third reading calendar, the next bill coming up in numerical sequence being

**Eng. Senate Bill 713**, Removing statutory limit for Environmental Laboratory Certification Fund.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 713) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 713) 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 714**, Relating to tie votes by Coal Mine Safety and Technical Review Committee.

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

Pending discussion,

The question being "Shall Engrossed Senate Bill 714 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 714) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 714) 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 House Bill 4126**, Authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules.

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

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

The nays were: None.

Absent: Woelfel—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4126) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Woelfel—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 H. B. 4126) takes effect from passage.

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

**Eng. House Joint Resolution 102**, Clarifying that the policy-making and rule-making authority of the State Board of Education is subject to legislative review, approval, amendment, or rejection.

On third reading, coming up in regular order, with the right having been granted on February 24, 2022, for amendments to be received on third reading, was read a third time.

On motion of Senator Weld, the following amendment to the resolution was reported by the Clerk and adopted:

By striking out everything after line 12 and inserting in lieu thereof the following:

## **ARTICLE XII. EDUCATION.**

### **§2. Supervision of free schools.**

Subject to the provisions of this section, The the general supervision of the free schools of the State is shall be vested in the West Virginia Board of Education which shall perform the such duties as may be prescribed by law. Under its supervisory duties, the West Virginia Board of Education may promulgate rules or policies which shall be submitted to the Legislature for its review and approval, amendment, or rejection, in whole or in part, in the manner prescribed by general law. The board shall consist of nine members to be appointed by the Governor, by and with the advice and consent of the Senate, for overlapping terms of nine years, ~~except that the~~



~~original appointments shall be for terms of one, two, three, four, five, six, seven, eight, and nine years, respectively.~~ No more than five members of the board shall belong to the same political party, and in addition to the general qualifications otherwise required by the Constitution, the Legislature may require other specific qualifications for membership on the board. No member of the board may be removed from office by the Governor except for official misconduct, incompetence, neglect of duty, or gross immorality, and then only in the manner prescribed by law for the removal by the Governor of state elective officers.

The West Virginia Board of Education shall, in the manner prescribed by law, select the State Superintendent of Free Schools who shall serve at its will and pleasure. He or she shall be the chief school officer of the state and shall ~~have such powers and shall perform the such duties as may be~~ prescribed by law.

The State Superintendent of Free Schools shall be a member of the Board of Public Works as provided by subsection B, section fifty-one, article VI of this Constitution.

*Resolved further*, That in accordance with the provisions of §3-11-1 *et seq.* of the Code of West Virginia, 1931, as amended, the amendment is hereby numbered "Amendment No. 1" and designated as the "Education Accountability Amendment" and the purpose of the proposed amendment is summarized as follows: "The purpose of this amendment is to clarify that the rules and policies promulgated by the State Board of Education, are subject to legislative review, approval, amendment, or rejection."

Engrossed House Joint Resolution 102, as just amended, was then put upon its adoption.

Pending discussion,

The question being "Shall Engrossed House Joint Resolution 102 be adopted?"

On the adoption of the resolution, the yeas were: Azinger, Boley, Clements, Grady, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—23.

The nays were: Baldwin, Beach, Brown, Caputo, Geffert, Hamilton, Jeffries, Lindsay, Romano, Stollings, and Woelfel—11.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the resolution (Eng. H. J. R. 102) adopted, as follows:

**Eng. House Joint Resolution 102**—Proposing an amendment to the Constitution of the State of West Virginia, amending section 2, article XII thereof, relating to education and the supervision of free schools; clarifying that the policy-making and rule-making authority of the State Board of Education is subject to legislative review, approval, amendment, or rejection; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

*Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:*

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2022, which proposed amendment is that section 2, article XII thereof, be amended and reenacted to read as follows:

## **ARTICLE XII. EDUCATION.**

### **§2. Supervision of free schools.**

Subject to the provisions of this section, The the general supervision of the free schools of the State is shall be vested in the West Virginia Board of Education which shall perform the such duties as may be prescribed by law. Under its supervisory duties, the West Virginia Board of Education may promulgate rules or policies which shall be submitted to the Legislature for its review and approval, amendment, or rejection, in whole or in part, in the manner prescribed by general law. The board shall consist of nine members to be appointed by the Governor, by and with the advice and consent of the Senate, for overlapping terms of nine years, except that the original appointments shall be for terms of one, two, three, four, five, six, seven, eight, and nine years, respectively. No more than five members of the board shall belong to the same political party, and in addition to the general qualifications otherwise required by the Constitution, the Legislature may require other specific qualifications for membership on the board. No member of the board may be removed from office by the Governor except for official misconduct, incompetence, neglect of duty, or gross immorality, and then only in the manner prescribed by law for the removal by the Governor of state elective officers.

The West Virginia Board of Education shall, in the manner prescribed by law, select the State Superintendent of Free Schools who shall serve at its will and pleasure. He or she shall be the chief school officer of the state and shall have such powers and shall perform the such duties as may be prescribed by law.

The State Superintendent of Free Schools shall be a member of the Board of Public Works as provided by subsection B, section fifty-one, article VI of this Constitution.

*Resolved further,* That in accordance with the provisions of §3-11-1 *et seq.* of the Code of West Virginia, 1931, as amended, the amendment is hereby numbered "Amendment No. 1" and designated as the "Education Accountability Amendment" and the purpose of the proposed amendment is summarized as follows: "The purpose of this amendment is to clarify that the rules and policies promulgated by the State Board of Education, are subject to legislative review, approval, amendment, or rejection."

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

On motion of Senator Takubo, at 5:45 p.m., the Senate recessed.

The Senate reconvened at 5:55 p.m. and proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 64,** Allowing county commissions to impose amusement tax.

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

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

**Com. Sub. for Senate Bill 100**, Establishing secondary location for racetrack video lottery terminals.

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

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

**Com. Sub. for Senate Bill 232**, Relating to punishment for third offense felony.

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 424**, Relating generally to 2022 Farm Bill.

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

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

**Com. Sub. for Senate Bill 590**, Clarifying that tenancy includes persons who reside in sober living home.

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 662**, Relating to creation, expansion, and authority of resort area district.

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

**Senate Bill 721**, Relating to municipalities required to be represented on county authority boards.

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

**Eng. Com. Sub. for House Bill 4084**, Relating to advanced recycling.

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

The following amendment to the bill, from the Committee on Economic Development, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 15. SOLID WASTE MANAGEMENT ACT.****§22-15-2. Definitions.**

Unless the context clearly requires a different meaning, as used in this article the terms:

"Advanced recycling" means a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals, and other products like waxes and lubricants through processes that include pyrolysis, gasification, depolymerization, catalytic cracking, hydrogenation, solvolysis, and other similar technologies. The recycled products produced at advanced recycling facilities include, but are not limited to, monomers, oligomers, plastics, plastics and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, coatings, and other basic hydrocarbons. Advanced recycling shall not be considered solid waste management or solid waste disposal.

"Advanced recycling facility" means a facility that receives, stores, and converts post-use polymers and recovered feedstocks it receives using advanced recycling. An advanced recycling facility is a manufacturing facility subject to applicable department manufacturing regulations for air, water, and land use. Advanced recycling facilities shall not be considered solid waste facilities.

(1) "Agronomic rate" means the whole sewage sludge application rate, by dry weight, designed:

(A) (1) To provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop, or vegetation on the land; and

(B) (2) To minimize the amount of nitrogen in the sewage sludge that passes below the root zone of the crop or vegetation grown on the land to the groundwater.

(2) "Applicant" means the person applying for a commercial solid waste facility permit or similar renewal permit and any person related to such person by virtue of common ownership, common management, or family relationships as the director may specify, including the following: Spouses, parents, ~~and~~ children, and siblings.

(3) "Approved solid waste facility" means a solid waste facility or practice which has a valid permit under this article.

(4) "Back hauling" means the practice of using the same container to transport solid waste and to transport any substance or material used as food by humans, animals raised for human consumption, or reusable item which may be refilled with any substance or material used as food by humans.

(5) "Bulking agent" means any material mixed and composted with sewage sludge.

"Catalytic cracking" is a manufacturing process through which post-use polymers are heated and melted in the absence of oxygen and then processed in the presence of a catalyst to produce valuable raw materials and intermediate and final products, including, but not limited to, plastic monomers, chemicals, waxes, lubricants, plastic and chemical feedstocks, and other basic hydrocarbons.

(6) "Class A facility" means a commercial solid waste facility which handles an aggregate of between ~~ten thousand~~ 10,000 and ~~thirty thousand~~ 30,000 tons of solid waste per month. Class A facility includes two or more Class B solid waste landfills owned or operated by the same person in the same county, if the aggregate ~~tons~~ tonnage of solid waste handled per month by such landfills exceeds ~~nine thousand nine hundred ninety nine~~ 9,999 tons of solid waste per month.

(7) "Commercial recycler" means any person, corporation, or business entity whose operation involves the mechanical separation of materials for the purpose of reselling or recycling at least ~~seventy~~ 70 percent by weight of the materials coming into the commercial recycling facility.

(8) "Commercial solid waste facility" means any solid waste facility which accepts solid waste generated by sources other than the owner or operator of the facility and does not include an approved solid waste facility owned and operated by a person for the sole purpose of the disposal, processing, or composting of solid wastes created by that person or such person and other persons on a cost-sharing or nonprofit basis and does not include land upon which reused or recycled materials are legitimately applied for structural fill, road base, mine reclamation, and similar applications.

(9) "Compost" means a humus-like material resulting from aerobic, microbial, or thermophilic decomposition of organic materials.

(10) "Composting" means the aerobic, microbial, or thermophilic decomposition of natural constituents of solid waste to produce a stable, humus-like material.

(11) "Commercial composting facility" means any solid waste facility processing solid waste by composting, including sludge composting, organic waste or yard waste composting, but does not include a composting facility owned and operated by a person for the sole purpose of composting waste created by that person or such person and other persons on a cost-sharing or nonprofit basis and shall not include land upon which finished or matured compost is applied for use as a soil amendment or conditioner.

(12) "Cured compost" or "finished compost" means compost which has a very low microbial or decomposition rate which will not reheat or cause odors when put into storage and that has been put through a separate aerated curing cycle stage of ~~thirty~~ 30 to ~~sixty~~ 60 days after an initial composting cycle or compost which meets all regulatory requirements after the initial composting cycle.

(13) "Department" means the Department of Environmental Protection.

"Depolymerization" means a manufacturing process where post-use polymers are broken into smaller molecules such as monomers and oligomers or raw, intermediate, or final products, plastics and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, coatings, and other basic hydrocarbons.

(14) "Energy recovery incinerator" means any solid waste facility at which solid wastes are incinerated with the intention of using the resulting energy for the generation of steam, electricity, or any other use not specified herein.

"Gasification" means a manufacturing process through which recovered feedstocks are heated and converted into a fuel and gas mixture in an oxygen-deficient atmosphere and the mixture is converted into valuable raw materials and intermediate and final products, including,

but not limited to, plastic monomers, chemicals, waxes, lubricants, plastic and chemical feedstocks, and other basic hydrocarbons that are returned to economic utility in the form of raw materials and products.

"Hydrogenation" is a manufacturing process through which hydrogen is used to remove impurities from post-use polymers or recovered feedstock to enable further processing into valuable raw materials and intermediate and final products, including, but not limited to, plastic monomers, chemicals, waxes, lubricants, plastic and chemical feedstocks, and other basic hydrocarbons.

~~(15)~~ "Incineration technologies" means any technology that uses controlled flame combustion to thermally break down solid waste, including refuse-derived fuel, to an ash residue that contains little or no combustible materials, regardless of whether the purpose is processing, disposal, electric or steam generation, or any other method by which solid waste is incinerated.

~~(16)~~ "Incinerator" means an enclosed device using controlled flame combustion to thermally break down solid waste, including refuse-derived fuel, to an ash residue that contains little or no combustible materials.

~~(17)~~ "Landfill" means any solid waste facility used for the disposal of solid waste on or in the land for the purpose of permanent disposal. Such facility is situated, for purposes of this article, in the county where the majority of the spatial area of such facility is located.

~~(18)~~ "Materials recovery facility" means any solid waste facility at which source-separated materials or materials recovered through a mixed waste processing facility are manually or mechanically shredded or separated for purposes of reuse and recycling, but does not include a composting facility.

~~(19)~~ "Mature compost" means compost which has been produced in an aerobic, microbial, or thermophilic manner and does not exhibit phytotoxic effects.

~~(20)~~ "Mixed solid waste" means solid waste from which materials sought to be reused or recycled have not been source-separated from general solid waste.

~~(21)~~ "Mixed waste processing facility" means any solid waste facility at which materials are recovered from mixed solid waste through manual or mechanical means for purposes of reuse, recycling, or composting.

~~(22)~~ "Municipal solid waste incineration" means the burning of any solid waste collected by any municipal or residential solid waste disposal company.

~~(23)~~ "Open dump" means any solid waste disposal which does not have a permit under this article, or is in violation of state law, or where solid waste is disposed in a manner that does not protect the environment.

~~(24)~~ "Person" or "persons" means any industrial user, public or private corporation, institution, association, firm, or company organized or existing under the laws of this or any other state or country; State of West Virginia; governmental agency, including federal facilities; political subdivision; county commission; municipal corporation; industry; sanitary district; public service district; drainage district; soil conservation district; watershed improvement district; partnership;

trust; estate; person or individual; group of persons or individuals acting individually or as a group; or any legal entity whatever.

"Post-use polymer" means a plastic to which all the following apply:

(1) The plastic is derived from any industrial, commercial, agricultural, or domestic activities;

(2) It is not mixed with solid waste or hazardous waste onsite or during processing at the advanced recycling facility;

(3) The plastic's use or intended use is as a feedstock for the manufacturing of plastic and chemical feedstocks, other basic hydrocarbons, raw materials, or other intermediate products or final products using advanced recycling;

(4) The plastic has been sorted from solid waste and other regulated waste but may contain residual amounts of solid waste such as organic material and incidental contaminants or impurities (e.g., paper labels and metal rings); and,

(5) The plastic is processed at an advanced recycling facility or held at such facility prior to processing.

~~(25)~~ "Publicly owned treatment works" means any treatment works owned by the state or any political subdivision thereof, any municipality or any other public entity which processes raw domestic, industrial, or municipal sewage by any artificial or natural processes in order to remove or so alter constituents as to render the waste less offensive or dangerous to the public health, comfort, or property of any of the inhabitants of this state before the discharge of the plant effluent into any of the waters of this state, and which produces sewage sludge.

"Pyrolysis" means a manufacturing process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed and are then cooled, condensed, and converted into valuable raw materials and intermediate and final products, including, but not limited to, plastic monomers, chemicals, waxes, lubricants, plastic and chemical feedstocks, and other basic hydrocarbons, that are returned to economic utility in the form of raw materials or products.

"Recovered feedstock" means one or more of the following materials that has been processed so that it may be used as feedstock in an advanced recycling facility:

(1) Post-use polymers;

(2) Materials for which the United States Environmental Protection Agency has made a nonwaste determination pursuant to 40 C.F.R. 241.3(c), or has otherwise determined are feedstocks and not solid waste;

(3) Recovered feedstock does not include unprocessed municipal solid waste;

(4) Recovered feedstock is not mixed with solid waste or hazardous waste onsite or during processing at an advanced recycling facility.

~~(26)~~ "Recycling facility" means any solid waste facility for the purpose of recycling at which neither land disposal nor biological, chemical, or thermal transformation of solid waste occurs:

*Provided*, That mixed waste recovery facilities, sludge processing facilities, and composting facilities are not considered recycling facilities nor considered to be reusing or recycling solid waste within the meaning of this article, ~~article fifteen-a of this chapter and article four, chapter twenty-two-c of this code~~ §22-15A-1 et seq. and §22C-4-1 et seq. of this code.

(27) "Sewage sludge" means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage, scum, or solids removed in primary, secondary, or advanced wastewater treatment processes and a material derived from sewage sludge. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator.

(28) "Sewage sludge processing facility" is a solid waste facility that processes sewage sludge for: (A) Land application; (B) incineration; or (C) disposal at an approved landfill. Such processes include, but are not limited to, composting, lime stabilization, thermophilic, microbial, and anaerobic digestion.

(29) "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the ~~Secretary~~ secretary has delegated authority or duties pursuant to ~~article one of this chapter~~ §22-1-1 et seq. of this code.

(30) "Sludge" means any solid, semisolid, residue, or precipitate, separated from or created by a municipal, commercial, or industrial waste treatment plant, water supply treatment plant, or air pollution control facility, or any other such waste having similar origin.

(31) "Solid waste" means any garbage, paper, litter, refuse, cans, bottles, waste processed for the express purpose of incineration; sludge from a waste treatment plant; water supply treatment plant or air pollution control facility; and other discarded materials, including offensive or unsightly matter, solid, liquid, semisolid, or contained liquid or gaseous material resulting from industrial, commercial, mining, or community activities but does not include solid or dissolved material in sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources and have permits under ~~article five-a of this chapter~~ §22-5A-1 et seq. of this code, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended, including any nuclear or byproduct material considered by federal standards to be below regulatory concern, or a hazardous waste either identified or listed under ~~article five-e of this chapter~~ §22-5E-1 et seq. of this code or refuse, slurry, overburden, or other wastes or material resulting from coal-fired electric power or steam generation, the exploration, development, production, storage, and recovery of coal, oil, and gas, and other mineral resources placed or disposed of at a facility which is regulated under ~~chapter twenty-two, twenty-two-a or twenty-two-b~~ Chapter 22, Chapter 22A, or Chapter 22B of this code, so long as placement or disposal is in conformance with a permit issued pursuant to such chapters, or post-use polymers and recovered feedstocks converted at an advanced recycling facility or held at such facility prior to conversion.

(32) "Solid waste disposal" means the practice of disposing of solid waste including placing, depositing, dumping, throwing, or causing any solid waste to be placed, deposited, dumped, or thrown.

(33) "Solid waste disposal shed" means the geographical area which the solid waste management board designates and files in the state register pursuant to ~~section eight, article twenty-six, chapter sixteen~~ §16-26-8 of this code.



~~(34)~~ "Solid waste facility" means any system, facility, land, contiguous land, improvements on the land, structures, or other appurtenances or methods used for processing, recycling, or disposing of solid waste, including landfills, transfer stations, materials recovery facilities, mixed waste processing facilities, sewage sludge processing facilities, commercial composting facilities, and other such facilities not herein specified, but not including land upon which sewage sludge is applied in accordance with ~~section twenty of this article~~ §22-15-20 of this code . Such facility shall be deemed to be situated, for purposes of this article, in the county where the majority of the spatial area of such facility is located: *Provided*, That a salvage yard, licensed and regulated pursuant to the terms of ~~article twenty three, chapter seventeen~~ §17-23-1 et seq. of this code, is not a solid waste facility and an advanced recycling facility is not a solid waste facility.

~~(35)~~ "Solid waste facility operator" means any person or persons possessing or exercising operational, managerial, or financial control over a commercial solid waste facility, whether or not such person holds a certificate of convenience and necessity or a permit for such facility.

"Solvolysis" means a manufacturing process through which post-use polymers are purified with the aid of solvents, while heated at low temperatures and/or pressurized to make useful products, allowing additives and contaminants to be separated. The products of solvolysis include monomers, intermediates, valuable chemicals, and raw materials. The process includes, but is not limited to, hydrolysis, aminolysis, ammonolysis, methanolysis, and glycolysis.

~~(36)~~ "Source-separated materials" means materials separated from general solid waste at the point of origin for the purpose of reuse and recycling but does not mean sewage sludge.

The bill (Eng. Com. Sub. for H. B. 4084), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4491**, To establish requirements for carbon dioxide sequestration.

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

The Senate proceeded to the tenth order of business.

**Com. Sub. for Com. Sub. for Senate Bill 181**, Creating Core Behavioral Health Crisis Services System.

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

**Com. Sub. for Senate Bill 205**, Expanding PEIA Finance Board membership.

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

**Senate Bill 448**, Developing policies and procedures for Statewide Interoperability Executive Committee.

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

**Senate Bill 456**, Requiring county boards of education to develop seizure action plans.

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

**Com. Sub. for Com. Sub. for Senate Bill 468**, Creating Unborn Child with Down Syndrome Protection and Education Act.

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

**Com. Sub. for Senate Bill 518**, Allowing nurses licensed in another state to practice in WV.

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

**Com. Sub. for Com. Sub. for Senate Bill 530**, Encouraging public-private partnerships in transportation.

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

**Com. Sub. for Senate Bill 558**, Increasing members of WV Parole Board.

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

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Finance.

**Senate Bill 617**, Relating to qualifications for members of boards, commissions, and other entities.

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

**Com. Sub. for Senate Bill 652**, Requiring hospitals to receive patients transported to them by EMS providers.

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

**Com. Sub. for Senate Bill 653**, Relating to public higher education governance.

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

**Com. Sub. for Senate Bill 655**, Authorizing tactical medical professional to carry firearm with specific training requirements.

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

**Com. Sub. for Senate Bill 656**, Providing tax credit for certain corporations with child-care facilities for employees.

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

**Com. Sub. for Senate Bill 668**, Clarifying eligibility for probation and parole conditions for sex offenses.

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

**Senate Bill 680**, Adding Division of Corrections and Rehabilitation employees to Survivor Benefits Act.

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

**Senate Bill 693**, Clarifying meeting voting requirements for political party executive committees.

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

**Senate Bill 703**, Relating to controlled substances schedule.

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

**Com. Sub. for Senate Bill 704**, Allowing parents, grandparents, and guardians to inspect instructional materials in classroom.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Karnes, Smith, and Phillips.

At the request of Senator Smith, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of the passing of Steven H. Hively, a coal miner who was killed in a mining accident in McDowell County earlier today.

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 passage of

**Eng. Rev. Com. Sub. for Senate Bill 221**, Establishing occupational therapy compact.

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

**Eng. Com. Sub. for Senate Bill 452**, Permitting civil remedies for unauthorized disclosure of intimate images.

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

**Eng. House Bill 4331**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-27-4a, relating to the federal Urban Mass Transportation Act of 1964; and ensuring the definition of "deduction" is changed to preserve federal funding.

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 4492**—A Bill to repeal §17-16B-1, §17-16B-2, §17-16B-3, §17-16B-5, §17-16B-6, §17-16B-7, §17-16B-7a, §17-16B-7b, §17-16B-8, §17-16B-9, §17-16B-10, §17-16B-11, §17-16B-12, §17-16B-13, §17-16B-14, §17-16B-15, §17-16B-16, §17-16B-17, §17-16B-18, §17-16B-19, §17-16B-20, §17-16B-21, and §17-16B-22 of the Code of West Virginia, 1931, as amended; to repeal §17-16C-1, §17-16C-2, §17-16C-3, and §17-16C-5 of the Code of West Virginia, 1931, as amended; to repeal §29-2A-1, §29-2A-2, §29-2A-3, §29-2A-4, §29-2A-5, §29-2A-6, §29-2A-7, §29-2A-8, §29-2A-10, §29-2A-11, §29-2A-11a, §29-2A-11b, §29-2A-11c, §29-2A-11d, §29-2A-11e, §29-2A-11f, §29-2A-12, §29-2A-13, §29-2A-14, and §29-2A-20 of said code; to repeal §29-18-1, §29-18-2, §29-18-3, §29-18-4, §29-18-4a, §29-18-5, §29-18-6, §29-18-7, §29-18-8, §29-18-9, §29-18-10, §29-18-11, §29-18-12, §29-18-13, §29-18-14, §29-18-15, §29-18-16, §29-18-17, §29-18-18, §29-18-19, §29-18-20, §29-18-21, §29-18-22, §29-18-23, §29-18-24, and §29-18-25 of said code; and to amend said code by adding thereto a new article, designated §17-16F-1, §17-16F-2, §17-16F-3, §17-16F-4, §17-16F-5, §17-16F-6, §17-16F-7, §17-16F-8, §17-16F-9, §17-16F-10, §17-16F-11, §17-16F-12, §17-16F-13, §17-16F-14, §17-16F-15, §17-16F-16, §17-16F-17, §17-16F-18, §17-16F-19, §17-16F-20, §17-16F-21, §17-16F-22, §17-16F-23, §17-16F-24, §17-16F-25, §17-16F-26, §17-16F-27, §17-16F-28, §17-16F-29, §17-16F-30, §17-16F-31, §17-16F-32, §17-16F-33, and §17-16F-34, all relating to creating the Division of Multimodal Transportation and combining the powers and duties and eliminating certain references to the Public Port Authority, the West Virginia State Rail Authority and the state Aeronautics Commission; providing for legislative findings and creation of the division; transferring employees, equipment, assets, liabilities, contracts, agreements, functions and duties to the division or its sections; providing for all property currently held by the Public Port Authority, the West Virginia State Rail Authority and the state Aeronautics Commission to be transferred to the division; authorizing the Secretary of the Department of Transportation to appoint the commissioner; establishing general powers and duties of the commissioner; defining terms; establishing the powers and duties of the division generally; requiring the division to promote, supervise and support safe, adequate and efficient transportation, preserve rail, water and airway facilities and promote economic development and tourism; authorizing division to work cooperatively with similar entities within and without the state; providing for siting, development and operation of facilities; authorizing employment of trained and qualified staff and consultants and compensating therefor; providing the right to enter into contracts and agreements; authorizing acquisition of various types and interests in property to be held in the name of the state; authorizing use of eminent domain; authorizing acquisition and disposal of property by various means; authorizing interagency cooperation; authorizing division to act on behalf of the state in planning, financing, development, construction and operation of port, railroad and aeronautic

projects or facilities; reporting annually to Legislature on status of projects, operations, finances and related information; authorizing study and assessment of state transportation needs; authorizing use of various financing options including issuing revenue bonds and receipt of grants and loans; authorizing division to make grants and loans to governmental agencies and persons for multimodal transportation projects; permitting collection of reasonable fees and charges connected to making and servicing loans, notes, bonds and other obligations; granting rule-making authority to the division; continuing all rules, policies and orders of the combined entities until revised and reissued by the division; requiring strategic plan and reports to the Governor and the Legislature; requiring collection and analysis of shipping through state ports; providing for confidentiality of collected information and providing criminal penalty for violation; providing that division employees may not have direct or indirect financial interest in contracts, sale of property of the division and providing criminal penalty for violation; providing that activities of division are for public purpose; authorizing the division to use certain property or facilities of a public utility, common carrier, public road or railroad for certain public projects; requiring the division to relocate any such property or facilities; providing for rules regarding relocation or removal of railroad or public utility located on division property; requiring the division to pay for said relocation or removal; encouraging participation of private enterprise in construction and operation of facilities; authorizing lease back to division; authorizing development of foreign trade zones, free trade zones, ports of entry and customs zones; providing for specific duties related to port projects; authorizing the division to act on behalf of the state in developing, operating, improving and maintaining ports; authorizing the division to coordinate and cooperate with other port entities; creating the West Virginia Multimodal Operations Fund and transference of funds and liabilities of the West Virginia Public Port Authority Operations Fund; providing for specific duties related to rail projects; authorizing the exercise of powers necessary to qualify for federal subsidies; authorizing various means to carry out rail projects that are consistent with state plan with other entities; providing authority for the division to establish, fund, construct, reconstruct, acquire, repair, replace, operate, maintain and make available to other entities railroad projects; providing that research and development of railroads may be conducted; providing that contracts may be entered into to acquire various rolling stock, equipment or trackage and providing the requirements therefor; providing for the authority to enter into agreements that are beneficial to railroad projects notwithstanding other code provisions, including the authority to reject bids; authorizing division to purchase various types of insurance; authorizing the collection of fees for use of rail projects; providing for the administration and coordination of a state plan, including the distribution of federal subsidies; providing for investigation, research, promotion and development with public participation; authorizing the provision of fiscal assurances and adoption of accounting procedures necessary to continue subsidies; authorizing compliance with applicable federal regulations; authorizing all actions necessary to maximize federal assistance for rail subsidies; providing powers necessary to coordinate with the Maryland Transit Administration for continued operation in the state, including negotiation and contracting authority; providing that any commuter rail operation agreement will meet certain service standards; providing that any track access fees to be paid pursuant to the agreement shall be paid from the West Virginia Commuter Rail Access Fund; authorizing sale or transfer of interest in rail property with federal approval when required; authorizing assistance to entities seeking federal railroad service certification, including the provision of any necessary assurances or guarantees; authorizing division to retain attorney or others to title ownership of rail properties within the state; requiring rail properties offered for sale within the state to be offered first to the state; providing that division may acquire railroad rights in other states and may cooperate with other states in so purchasing any rail properties; providing for the division to give consideration to county or municipality interest in acquiring abandoned property interest and providing for the division to acquire any such abandoned property for subsequent conveyance to a county or municipality; authorizing the division to apply for and utilize federal funds or loans in carrying out its purposes of this article;

authorizing the purchase of any railroad rolling stock, equipment and machinery necessary for the operation and maintenance of state rail properties and authorizing contracts with the Division of Highways for maintenance or purchase of vehicles; authorizing maintenance, rebuilding or relocation of state rail properties and authorizing expenditures for the modernization, rebuilding and relocation of any rail properties owned by the state or private carrier; providing for contracting with domestic or foreign entities to provide, maintain or improve rail transportation service on state rail properties; providing for transfer of rail properties to other entities within the state when permitted by the Governor; authorizing the division to resolve conflicts when multiple entities want to utilize the same rail property; providing for proceeds from the sale of state rail property to be deposited in Railroad Maintenance Fund; terminating Railroad Maintenance Authority Fund and creating a Railroad Maintenance Fund for proceeds and expenditures related to division's purpose; authorizing expenditure from any fund for study of proposed rail projects and use of funds from Railroad Maintenance Fund for study and engineering costs; authorizing the issuance of railroad maintenance revenue bonds and notes for costs of rail projects, including issuance of renewal notes and bond refund, with aggregate amount of all issues of bonds and notes outstanding at one time not exceeding amount capable of being serviced by revenues received; providing that issues of bonds or notes are negotiable instruments and are obligations of the division and are payable out of the revenues which are pledged for such payment; providing for maturity date, terms of execution, sale, redemption and delivery; authorizing the establishment of various conditions necessary to secure sufficient funds to protect bonds or notes; providing that person executing bonds or notes is not personally liable therefor; providing for trust agreement to secure bonds issued by division and creating conditions therefor, not including mortgage of any rail project; allocating expenses of bond issuance or trust agreement to rail projects; providing for civil action for bondholders seeking to enforce rights granted; providing that bonds are payable from division revenues and are not a debt of state or political subdivision; restricting division from incurring debt on behalf of state or political subdivision; authorizing use of proceeds from bonds to carry out division's powers and prohibiting commingling with other funds; providing for the investment of excess funds by West Virginia State Board of Investments; authorizing division to collect rents or revenues for use of rail projects; providing for cooperation with other governmental agencies to effect acquisition of rail project or bond issuance; authorizing division to maintain rail projects in good repair; providing that railroad maintenance bonds are lawful investments for various entities; continuing West Virginia Commuter Rail Access Fund which is administered by division commissioner; requiring division to establish a state rail plan that complies with federal requirements for funding; providing specific powers and duties for director of public transit; designation of public transit as the agency of the state responsible for administering all federal and state programs related to public transportation; providing for assistance and cooperation of other state agencies with all multimodal sections; providing for specific duties related to aeronautics projects; authorizing division to advance development of aeronautics in cooperation with municipalities; authorizing rules necessary for public safety related to airports and aeronautics; authorizing division to fund grants for public airport authorities; authorizing division to receive federal funding to support airports or air navigation facilities; providing for procedures and conditions for use of federal funds; requiring a federal license to operate an aircraft; allowing for the use of state and municipal facilities and services; disposing of fees collected under this code section and providing a severability clause.

Referred to the Committee on Government Organization.

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 4634**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-17-1, §21-17-2, §21-17-3, §21-17-4, §21-17-5, §21-17-6, §21-17-7, §21-17-8, §21-17-9, §21-17-10, §21-17-11, and §21-17-12; to amend said code by adding thereto a new article, designated §29-33-1, §29-33-2, §29-33-3, §29-33-4, §29-33-5, §29-33-6, §29-33-7, §29-33-8, §29-33-9, §29-33-10, §29-33-11, and §29-33-12; all relating to occupational licensing or other authorization to practice; providing for definitions; providing for an application method for persons with a valid license in another state to be licensed in this state; providing that a person applying for licensure in this state has worked in the licensed occupation for at least one year; providing for other criteria a person must satisfy when applying for licensure in this state; establishing that an applicant seeking licensure in this state not have ever had a license revoked or suspended in another state; providing that an applicant seeking licensure in this state not have any pending investigations or disciplinary proceedings in another state; providing that the boards in every state where a person is licensed hold the applicant in good standing for licensure in this state; providing that an applicant pay all applicable fees; providing that an applicant meet all state bonding requirements for licensure in this state; providing for an application fee that may be assessed by the board; providing for 60 days for a board to take action on a completed application; providing for an appeal mechanism for a person to appeal any decision of a board relating to occupational licensure; providing for state law preemption against any township, municipality, county, or other government to regulate occupational licensure; providing for certain exempted professions; and providing for rulemaking authority to any board affected to carry out the provisions of the article.

Referred to the Committee on Government Organization.

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

**Eng. Com. Sub. for House Bill 4675**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17C-24-1 and §17C-24-2, all relating to autonomous delivery vehicles; authorizing operation of low-speed autonomous delivery vehicle on certain streets and roads; authorizing operation of low-speed autonomous delivery vehicle on streets or roads with posted speed limit of up to a specified number of miles per hour under specified conditions.

Referred to the Committee on Economic Development.

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

**Eng. House Bill 4743**—A Bill to amend and reenact §16A-6-3 of the Code of West Virginia, 1931, as amended, all relating to security and surveillance requirements of medical cannabis organization facilities.

Referred to the Committee on Health and Human Resources.

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

**Eng. House Bill 4773**—A Bill to amend and reenact §24D-1-14 and §24D-1-17 of the Code of West Virginia, 1931, as amended, all relating to the Public Service Commission; the Cable

Television Systems Act; adoption of the FCC customer service and technical standards and requiring certain cable operators to operate an in-state customer call center.

At the request of Senator Takubo and by unanimous consent, the bill was taken up for immediate consideration, reference to a committee dispensed with, read a first time, and ordered to second reading.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to and the adoption as amended, of

**House Concurrent Resolution 30**, U.S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to and the adoption as amended, of

**House Concurrent Resolution 59**, Warrant Officer James G. Bosley Memorial Bridge.

### **Executive Communications**

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





*Jim Justice*  
*Governor of West Virginia*

February 28, 2022

The Honorable Stephen J. Harrison, Clerk  
West Virginia House of Delegates  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Committee Substitute for House Bill No. Three Thousand Twelve (3312), which was presented to me on February 22, 2022.

You will note that I have approved this bill on February 28, 2022.

Sincerely,

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

Jim Justice  
Governor

JJ/mh

cc: The Honorable Lee Cassis

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

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 29**, Providing fee for processing of criminal bonds.

Now on second reading, having been read a first time and referred to the Committee on Finance on February 25, 2022;

And reports the same back with the recommendation that it 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

**Com. Sub. for Senate Bill 434** (originating in the Committee on Government Organization), Updating authority to airports for current operations.

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

**Com. Sub. for Com. Sub. for Senate Bill 434** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §8-28-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-29-1, §8-29-3, §8-29-8, §8-29-9, §8-29-12, §8-29-17, and §8-29-20 of said code; to amend said code by adding thereto a new section, designated §8-29-8a; and to amend and reenact §8-29B-2, §8-29B-3, and §8-29B-5 of said code, relating generally to airport authorities and operations; increasing the criminal fine for vehicular and pedestrian traffic near airports; authorizing airport authorities to establish and operate international and ancillary airports; defining terms; clarifying that certain airports may be established near research or business parks; expanding the powers and authority of airport authorities related to acquisition and use of property; establishing a procedure for the disposition of derelict or abandoned aircraft; providing airport authorities with a lien on a derelict or abandoned aircraft; providing for sale and disposal of abandoned and derelict aircraft and purchaser's ownership rights; authorizing airport authorities to promulgate rules to control vehicular and pedestrian traffic; increasing criminal fines for violations of certain airport rules and regulations; providing airport authorities with the right of immediate entry following eminent domain; and expanding areas over which airport police have jurisdiction.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Takubo requested unanimous consent that the bill (Com. Sub. for Com. Sub. for S. B. 434) contained in the preceding report from the Committee on the Judiciary be taken up for immediate consideration.

Which consent was not granted, Senator Plymale objecting.

Senator Takubo then moved that the bill (Com. Sub. for Com. Sub. for S. B. 434) contained in the preceding report from the Committee on the Judiciary be taken up for immediate consideration.

Following discussion,

The question being on the adoption of Senator Takubo's aforestated motion, the same was put.

The result of the voice vote being inconclusive, Senator Plymale demanded a division of the vote.

A standing vote being taken, there were 26 "yeas" and 6 "nays".

Whereupon, Senator Blair (Mr. President) declared Senator Takubo's aforestated motion had prevailed.

Thereafter, the bill (Com. Sub. for Com. Sub. for S. B. 434) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

**Senate Bill 498**, Creating Anti-Racism Act of 2022.

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

**Com. Sub. for Senate Bill 498** (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9b; and to amend said code by adding thereto a new section, designated §18B-14-4, all relating to prohibiting a school district, a public charter school, the West Virginia Board of Education, the West Virginia Department of Education, or any employee of the aforementioned entities from providing instruction in, requiring instruction in, making part of a course, or requiring a statement or affirmation by an employee of certain specified concepts; prohibiting a state institution of higher education or any of its employees from requiring a student or employee to take instruction in, or include in the curriculum of any required course, or require a statement or affirmation by any student or employee that certain specified concepts are factual and accurate or must be held as a belief of the student or employee; defining terms; recognizing that state institutions of higher education prohibit discrimination and have an obligation to protect the right to free speech; limiting prohibitions; establishing public elementary and secondary school complaint and appeal procedures for alleged violations and complaint reporting procedures; requiring each campus to report to the Higher Education Policy Commission or the Council for Community and Technical

College Education a description of any violations; and requiring certain information on the complaints filed and reported violations to be reported to the Legislative Oversight Commission on Education Accountability.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 498) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 608**, Relating to assessment and taxation of real property occupied by certain family members.

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

**Com. Sub. for Senate Bill 608** (originating in the Committee on Government Organization)—  
A Bill to amend and reenact §11-4-3 of the Code of West Virginia, 1931, as amended, all relating to assessment of real property; providing that an immediate family member or former spouse of the owner of real property who occupies the real property of the owner exclusively for residential purposes be included in class two for assessment and taxation purposes; and further defining "immediate family member".

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 608) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 632**, Transferring Office of Emergency Medical Services from DHHR to Department of Homeland Security.

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

**Com. Sub. for Senate Bill 632** (originating in the Committee on Government Organization)—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 making Office of Emergency Medical Services, including all affiliated councils, boards, and entities, an independent office within Executive Branch of state government; setting effective date of July 1, 2022; providing that Governor shall appoint Director of Office of Emergency Medical Services at salary established by Governor; maintaining all authorities, powers, funds, and duties, and affiliated boards, councils, or commissions of Office of Emergency Medical Services; ensuring legislative rules remain in effect; directing Secretary of the Department of Health and Human Resources and Commissioner of Bureau for Public Health to work with Director of the Office of Emergency Medical Services to ensure smooth transition; requiring Office of Emergency Medical Services to utilize to fullest extent practicable existing resources of the Department of Health and Human Resources for functions necessary for operation of office; and making technical corrections to recognize the transfer elsewhere in code.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 632) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 649**, Requiring communication providers providing service or obtaining WV area codes to register with PSC.

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

**Com. Sub. for Senate Bill 649** (originating in the Committee on the Judiciary)—A Bill to amend and reenact of the Code of West Virginia, 1931, as amended, by adding thereto one new section, designated §24-2-1r, relating to requiring certain voice-over internet protocol service providers delivering service in West Virginia or obtaining West Virginia area codes telephone numbers to register with the Public Service Commission; providing timelines to register; providing for a registration form; requiring voice-over internet protocol providers to submit certain information to the Public Service Commission; requiring voice-over internet protocol providers to keep information current; providing definitions; making requirements applicable to certain voice-over internet service providers after effective date of section; and limiting Public Service Commission jurisdiction to certain voice-over internet protocol service providers.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 649) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

**Com. Sub. for Senate Bill 671**, Modernizing regulation of car-sharing services in WV.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on February 25, 2022;

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on Finance has had under consideration

**Senate Bill 686**, Clarifying use of notes and bonds of WV Housing Development Fund.

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

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 686) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 697**, Modifying and clarifying elements of kidnapping and unlawful restraint.

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

**Com. Sub. for Senate Bill 697** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-2-14a and §61-2-14g of the Code of West Virginia, 1931, as amended, all relating to the offenses of kidnapping and unlawful restraint generally; clarifying the distinct elements of the separate offenses; removing redundant language; and making grammatical corrections.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 697) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 727** (originating in the Committee on the Judiciary)—A Bill amend the code of West Virginia, 1931, as amended by adding thereto a new section designated §60-3-26 relating to directing the Commissioner of the Alcoholic Beverage Control Administration to discontinue the state's acquisition of alcoholic liquors manufactured in the Russian Federation or by a person or entity located there; establishing duration of the ban; authorizing the Commissioner, at the Governor's direction, to sell or auction alcoholic liquors made in the Russian Federation or under the authority of a business located within the Federation with the proceeds going to charitable organizations assisting the people of Ukraine.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 727) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 728** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended, relating to requiring registered sex offenders to pay an annual fee; providing for collection and use of fee; providing that failure to pay annual fee shall not be deemed a violation of the person's supervised release; and providing for recordation and indexing of nonpayment of annual fee which shall have the force of a judgment.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 728) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

**Senate Bill 729** (originating in the Committee on Finance)—A Bill to repeal §31-15-20 of the Code of West Virginia, 1931, as amended, to amend §12-6C-11 of said code, to amend said code by adding thereto a new section, designated §12-6C-11b, and to amend §31-15-23 of said code, all relating generally to funding for infrastructure and economic development projects in the state; discontinuing the revolving loan from the Board of Treasury Investments to the Economic Development Authority upon the authority's receipt of an appropriation by the Legislature; requiring the Board of Treasury Investments to make a revolving loan available to the Department of Transportation; establishing a special revenue fund to receive loan moneys; permitting the Secretary of Transportation to make certain expenditures of loan moneys; requiring the Secretary to reimburse the fund upon receipt of federal reimbursement moneys; providing when moneys in the fund will revert to the Consolidated Fund; establishing reporting requirements related to the fund; allowing the Board of Treasury Investments to inspect records related to the fund; defining terms; establishing a special revenue fund to receive moneys appropriated to the Economic Development Authority; allowing the authority to invest the moneys in the fund; providing that a certain amount of moneys in the fund be used for high impact economic development projects; establishing accounting and auditing standards related to the fund; and establishing project status reporting requirements related to the fund.

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

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 729) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.



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

Your Committee on Finance has had under consideration

**Senate Bill 730** (originating in the Committee on Finance )—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-9-1, §12-9-2, and §12-9-3, all relating generally to authorizing divestment of state-managed funds from companies engaged in certain activities involving Russia or Russian energy; setting forth legislative findings; defining terms; authorizing public investment entities in the state to divest from Russia-restricted companies; providing that divestment from Russia-restricted companies does not violate code provisions related to prudent investment and fiduciary duties; and limiting liability of public officials or employees and members or employees of public investment entities for divestment from Russia-restricted companies.

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

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 730) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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 Concurrent Resolution 54** (originating in the Committee on the Judiciary)—Requesting the Joint Committee on Government and Finance study the issue of tolling the statute of limitations for civil actions brought by the Attorney General pursuant to the West Virginia Consumer Credit and Protection Act;

Whereas, W. Va. Code §46A-7-111(b) authorizes the Attorney General to bring a civil action against a creditor or other person to recover a civil penalty for willfully violating the West Virginia Consumer Credit Protection Act, §46A-1-1 *et seq.*, and if the court finds that the defendant has engaged in a course of repeated and willful violations of this chapter, it may assess a civil penalty of no more than \$5,000 for each violation of this chapter; and

Whereas, W. Va. Code §46A-7-111(b) further prohibits the imposition of a civil penalty pursuant to this subsection for violations the West Virginia Consumer Credit Protection Act occurring more than four years before the action is brought; and

Whereas, the West Virginia Consumer Credit Protection Act is silent as to whether the four-year period specified in W. Va. Code §46A-7-111(b) is subject to tolling under any legal, equitable, or other doctrine: therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on the Judiciary is hereby requested to study whether the four-year period specified in W. Va. Code §46A-7-111(b) should be subject to tolling under any legal, equitable, or other doctrine; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2023, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved*, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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 25, 2022:

**Senate Bill 96:** Senators Romano, Rucker, Caputo, Lindsay, and Woodrum;

**Com. Sub. for Senate Bill 181:** Senator Jeffries;

**Senate Bill 205:** Senator Plymale;

**Senate Bill 266:** Senator Romano;

**Senate Bill 413:** Senator Woodrum;

**Senate Bill 680:** Senator Baldwin;

**Senate Resolution 41:** Senators Lindsay, Stollings, and Hamilton;

And,

**Senate Resolution 42:** Senators Stollings and Hamilton.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 6:17 p.m., the Senate adjourned until tomorrow, Tuesday, March 1, 2022, at 11 a.m.

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## **SENATE CALENDAR**

**Tuesday, March 01, 2022  
11:00 AM**

### **UNFINISHED BUSINESS**

- S. C. R. 54 - Requesting study of tolling statute of limitations on civil actions for Consumer Credit and Protection Act
- S. R. 43 - Recognizing WV respiratory therapists during month of March
- S. R. 44 - Recognizing Leadership Jefferson
- S. R. 45 - Designating month of March as American Red Cross month

### **THIRD READING**

- Eng. Com. Sub. for S. B. 64 - Allowing county commissions to impose amusement tax - (With right to amend) (original similar to HB4513)
- Eng. Com. Sub. for S. B. 100 - Establishing secondary location for racetrack video lottery terminals - (With right to amend)
- Eng. Com. Sub. for S. B. 232 - Relating to punishment for third offense felony
- Eng. Com. Sub. for S. B. 424 - Relating generally to 2022 Farm Bill - (With right to amend) (original similar to HB4332, HB4554)
- Eng. Com. Sub. for S. B. 574 - Relating to WV PEIA
- Eng. Com. Sub. for S. B. 590 - Clarifying that tenancy includes persons who reside in sober living home
- Eng. Com. Sub. for S. B. 648 - Relating to Cable Television Systems Act
- Eng. Com. Sub. for S. B. 662 - Relating to creation, expansion, and authority of resort area district
- Eng. S. B. 721 - Relating to municipalities required to be represented on county authority boards
- Eng. Com. Sub. for H. B. 4084 - Relating to advanced recycling
- Eng. Com. Sub. for H. B. 4491 - To establish requirements for carbon dioxide sequestration (original similar to SB622)

### **SECOND READING**

- Com. Sub. for S. B. 29 - Providing fee for processing of criminal bonds
- Com. Sub. for Com. Sub. for S. B. 181 - Creating Core Behavioral Health Crisis Services System
- Com. Sub. for S. B. 205 - Expanding PEIA Finance Board membership

Com. Sub. for S. B. 223 - Relating to procedure to settle decedents' estates

Com. Sub. for S. B. 266 - Adding definition of "ammunition" for purposes of obtaining state license to carry concealed deadly weapon (original similar to HB4086)

Com. Sub. for S. B. 413 - Clarifying crime of harassment to include stalking

Com. Sub. for Com. Sub. for S. B. 434 - Updating authority to airports for current operations (original similar to HB4592)

S. B. 448 - Developing policies and procedures for Statewide Interoperability Executive Committee (original similar to HB4370)

S. B. 456 - Requiring county boards of education to develop seizure action plans

Com. Sub. for Com. Sub. for S. B. 468 - Creating Unborn Child with Down Syndrome Protection and Education Act

Com. Sub. for S. B. 498 - Creating Anti-Racism Act of 2022

Com. Sub. for S. B. 518 - Allowing nurses licensed in another state to practice in WV (original similar to HB4495)

Com. Sub. for Com. Sub. for S. B. 530 - Encouraging public-private partnerships in transportation (original similar to HB4531)

Com. Sub. for S. B. 606 - Relating to WV Medical Practice Act

Com. Sub. for S. B. 610 - Relating to duties, powers and responsibilities of DOT Secretary

S. B. 617 - Relating to qualifications for members of boards, commissions, and other entities

Com. Sub. for S. B. 632 - Making Office of Emergency Medical Services independent office within Executive Branch

Com. Sub. for S. B. 645 - Regulating private schools for students with disabilities

Com. Sub. for Com. Sub. for S. B. 647 - Prohibiting discrimination in organ donation process

Com. Sub. for S. B. 649 - Requiring communication providers providing service or obtaining WV area codes to register with PSC

Com. Sub. for S. B. 652 - Requiring hospitals to receive patients transported to them by EMS providers

Com. Sub. for S. B. 653 - Relating to public higher education governance

Com. Sub. for S. B. 655 - Authorizing tactical medical professional to carry firearm with specific training requirements

Com. Sub. for S. B. 656 - Providing tax credit for certain corporations with child-care facilities for employees

Com. Sub. for S. B. 659 - Relating to nonintoxicating beer, wine, and liquor licenses and requirements

Com. Sub. for S. B. 668 - Clarifying eligibility for probation and parole conditions for sex offenses

- Com. Sub. for S. B. 671 - Modernizing regulation of car-sharing services in WV - (Com. amend. and title amend. pending)
- S. B. 680 - Adding Division of Corrections and Rehabilitation employees to Survivor Benefits Act
- S. B. 686 - Clarifying use of notes and bonds of WV Housing Development Fund
- S. B. 687 - Relating to meetings among county boards of education
- S. B. 693 - Clarifying meeting voting requirements for political party executive committees - (Com. title amend. pending)
- Com. Sub. for S. B. 697 - Modifying and clarifying elements of kidnapping and unlawful restraint
- S. B. 703 - Relating to controlled substances schedule
- Com. Sub. for S. B. 704 - Allowing parents, grandparents, and guardians to inspect instructional materials in classroom
- S. B. 711 - Establishing alternative educational opportunities for elective course credit
- S. B. 726 - Relating to pre-trial diversion agreements and deferred prosecution agreements
- S. B. 727 - Directing ABC Administration discontinue purchase of alcoholic liquors from Russian Federation
- S. B. 728 - Requiring registered sex offenders pay annual fee
- S. B. 729 - Relating to funding for infrastructure and economic development projects in WV
- S. B. 730 - Divesting state-managed funds from companies engaged with Russia or Russian energy
- Eng. H. B. 4773 - Adoption of the FCC customer service and technical standards and requiring certain cable operators to operate an in-state customer call center

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2022**

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**Tuesday, March 1, 2022**

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