

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2022
THIRD DAY

Charleston, West Virginia, Friday, January 14, 2022

The Senate met at 9:02 a.m.

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

Prayer was offered by the Honorable Stephen Baldwin, a senator from the tenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ron Stollings, a senator from the seventh district.

Pending the reading of the Journal of Thursday, January 13, 2022,

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

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

The Clerk presented the following communications from various state agencies as required by the provisions of law:

Environmental Protection, Department of (Groundwater Programs and Activities) (§22-12-6)

Environmental Protection, Department of (Waiver Report) (§22-6A-2)

Insurance Commissioner, Offices of the (Office of the Consumer Advocate) (§33-2-16)

Treasurer, Office of the (Debt Capacity) (§12-6A-6)

The Senate 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 244, Relating to appointment of judges to Intermediate Court of Appeals.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Grady and Rucker:

Senate Bill 268—A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to creating a new exemption from compulsory school attendance for a child who participates in a learning pod or microschool; defining learning pod and microschool; requiring parent or custodian to present to the county superintendent or county board a notice of intent to participate in the learning pod or microschool; and providing that no learning pod or microschool is subject to any other provision of law relating to education.

Referred to the Committee on Education.

By Senators Stollings and Baldwin:

Senate Bill 269—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, §16-65-4, §16-65-5, and §16-65-6, all relating to creating the Youth Mental Health Protection Act; setting forth legislative findings; setting forth a purpose; defining terms; providing for a prohibition on conversion therapy; setting forth a prohibition for referral services for conversion therapy; and providing for disciplinary actions against providers who violate the article.

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

By Senator Nelson:

Senate Bill 270—A Bill to amend and reenact §5-10-2 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto four new sections, designated §5-10-25a, §5-10-25b, §5-10-25c, and §5-10-25d, all relating to updating definitions of the West Virginia Public Employees Retirement Act; providing benefits for law enforcement, public safety, and rescue personnel for total disability and death resulting from their covered employment; providing awards and benefits to surviving spouses of law enforcement, public safety, and rescue personnel when a member dies in performance of duty; providing for an exception during early period; providing for additional death benefits and scholarships; clarifying dependent children of law enforcement, public safety, and rescue personnel; and providing for burial benefits for law enforcement, public safety, and rescue personnel.

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

By Senator Rucker:

Senate Bill 271—A Bill to amend and reenact §30-7-15 of the Code of West Virginia, 1931, as amended, relating to the administration of anesthetics.

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

By Senator Rucker:

Senate Bill 272—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-29-3, relating to medical information; providing that persons are not required to provide medical or health information as a condition of gaining or maintaining employment; and providing liability if the section is violated.

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

By Senator Trump:

Senate Bill 273—A Bill to amend and reenact §15-2-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia State Police; and providing that troops shall be allocated by the superintendent to counties based on the 2020 Census.

Referred to the Committee on Government Organization.

By Senator Trump:

Senate Bill 274—A Bill amend and reenact §9-2-6 of the Code of West Virginia, 1931, as amended, relating to requiring the Secretary of the State Department of Health and Human Resources to assign members of child protective services to counties based on the county population according to the 2020 Census.

Referred to the Committee on Health and Human Resources.

Petitions

Senator Smith presented a petition from Jimmy Loughry and numerous Preston County residents, relating to tax levies.

Referred to the Committee on Finance.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 8, US Army SGT Charles L. Toppings Memorial Road.

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

Senate Concurrent Resolution 9, Haynie Family Veterans Memorial Bridge.

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

Senate Concurrent Resolution 10, US Air Force TSGT Franklin A. Bradford Bridge.

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

Senate Concurrent Resolution 11, Dennis E. Davis Veterans Nursing Home.

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

Senate Concurrent Resolution 12, Raymond Jarrell, Jr., Memorial Road.

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

Senate Resolution 6, Designating January 14, 2022, as Fairmont State University Day at Legislature.

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

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

Thereafter, at the request of Senator Trump, and by unanimous consent, the remarks by Senators Caputo and Weld regarding the adoption of Senate Resolution 6 were ordered printed in the Appendix to the Journal.

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

The Senate then proceeded to the thirteenth order of business.

At the request of Senator Weld, and by unanimous consent, leaves of absence for the day were granted Senators Geffert, Romano, Tarr, and Rucker.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on January 13, 2022:

Senate Bill 2: Senator Jeffries;

Senate Bill 160: Senator Lindsay;

Senate Bill 241: Senator Lindsay;

And,

Senate Bill 258: Senator Lindsay.

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 January 13, 2022:

Senate Bill 1: Senators Hamilton, Lindsay, and Woodrum;

Senate Bill 4: Senator Woelfel;

Senate Bill 5: Senators Hamilton, Lindsay, Woodrum, and Stollings;

Senate Bill 11: Senator Woelfel;

Senate Bill 13: Senator Lindsay;

- Senate Bill 14:** Senator Lindsay;
- Senate Bill 16:** Senator Woelfel;
- Senate Bill 17:** Senator Woelfel;
- Senate Bill 18:** Senator Woelfel;
- Senate Bill 29:** Senator Woodrum;
- Senate Bill 33:** Senator Woelfel;
- Senate Bill 46:** Senators Lindsay and Woelfel;
- Senate Bill 51:** Senator Woelfel;
- Senate Bill 53:** Senator Lindsay;
- Senate Bill 54:** Senator Woelfel;
- Senate Bill 56:** Senator Lindsay;
- Senate Bill 60:** Senator Lindsay;
- Senate Bill 64:** Senator Woodrum;
- Senate Bill 65:** Senator Lindsay;
- Senate Bill 70:** Senator Caputo;
- Senate Bill 73:** Senator Lindsay;
- Senate Bill 76:** Senator Lindsay;
- Senate Bill 78:** Senator Lindsay;
- Senate Bill 79:** Senator Woelfel;
- Senate Bill 89:** Senator Woelfel;
- Senate Bill 90:** Senator Woelfel;
- Senate Bill 102:** Senator Lindsay;
- Senate Bill 104:** Senator Lindsay;
- Senate Bill 105:** Senator Lindsay;
- Senate Bill 107:** Senator Woelfel;
- Senate Bill 111:** Senators Lindsay and Woelfel;

Senate Bill 114: Senator Lindsay;
Senate Bill 118: Senator Lindsay;
Senate Bill 120: Senator Lindsay;
Senate Bill 122: Senator Lindsay;
Senate Bill 123: Senator Lindsay;
Senate Bill 127: Senator Lindsay;
Senate Bill 130: Senator Lindsay;
Senate Bill 131: Senators Hamilton and Lindsay;
Senate Bill 133: Senator Woelfel;
Senate Bill 134: Senators Lindsay and Woodrum;
Senate Bill 137: Senators Woodrum and Woelfel;
Senate Bill 139: Senators Lindsay, Woodrum, and Woelfel;
Senate Bill 140: Senators Lindsay and Woelfel;
Senate Bill 142: Senators Lindsay, Woodrum, and Woelfel;
Senate Bill 143: Senator Lindsay;
Senate Bill 144: Senator Woelfel;
Senate Bill 145: Senator Lindsay;
Senate Bill 149: Senator Woelfel;
Senate Bill 151: Senator Lindsay;
Senate Bill 153: Senator Lindsay;
Senate Bill 161: Senator Lindsay;
Senate Bill 165: Senator Lindsay;
Senate Bill 166: Senator Woelfel;
Senate Bill 168: Senator Woelfel;
Senate Bill 169: Senators Lindsay and Woelfel;
Senate Bill 175: Senator Woelfel;

- Senate Bill 179:** Senator Lindsay;
- Senate Bill 180:** Senator Woelfel;
- Senate Bill 181:** Senator Lindsay;
- Senate Bill 189:** Senator Woodrum;
- Senate Bill 190:** Senator Woodrum;
- Senate Bill 192:** Senator Woodrum;
- Senate Bill 197:** Senators Hamilton, Woelfel, and Grady;
- Senate Bill 199:** Senator Woelfel;
- Senate Bill 203:** Senator Lindsay;
- Senate Bill 204:** Senator Woelfel;
- Senate Bill 205:** Senator Lindsay;
- Senate Bill 207:** Senator Woelfel;
- Senate Bill 213:** Senator Lindsay;
- Senate Bill 215:** Senator Woelfel;
- Senate Bill 219:** Senator Lindsay;
- Senate Bill 224:** Senators Lindsay and Woelfel;
- Senate Bill 229:** Senator Baldwin;
- Senate Bill 231:** Senators Lindsay and Baldwin;
- Senate Bill 238:** Senators Lindsay and Baldwin;
- Senate Bill 239:** Senator Lindsay;
- Senate Bill 243:** Senator Lindsay;
- Senate Bill 244:** Senator Woelfel;
- Senate Bill 247:** Senator Lindsay;
- Senate Bill 249:** Senator Baldwin;
- Senate Bill 253:** Senators Jeffries, Baldwin, Woodrum, and Stollings;
- Senate Bill 255:** Senator Woodrum;

Senate Bill 256: Senators Beach and Caputo;
Senate Bill 257: Senators Beach, Caputo, and Woelfel;
Senate Bill 258: Senators Caputo and Woelfel;
Senate Bill 260: Senator Woelfel;
Senate Bill 261: Senator Roberts;
Senate Bill 262: Senators Grady, Martin, and Maynard;
Senate Bill 263: Senator Woodrum;
Senate Bill 265: Senators Lindsay and Nelson;
Senate Joint Resolution 3: Senators Lindsay and Woelfel;
Senate Joint Resolution 4: Senator Lindsay;
Senate Joint Resolution 7: Senator Hamilton;
Senate Joint Resolution 8: Senator Woelfel;
Senate Concurrent Resolution 2: Senator Lindsay;
Senate Concurrent Resolution 3: Senator Lindsay;
Senate Concurrent Resolution 5: Senator Lindsay;
Senate Concurrent Resolution 7: Senator Lindsay;
Senate Concurrent Resolution 8: Senators Jeffries and Beach;
Senate Concurrent Resolution 9: Senators Jeffries, Stollings, and Beach;
Senate Concurrent Resolution 11: Senators Baldwin and Stollings;

And,

Senate Resolution 4: Senator Lindsay.

On motion of Senator Weld, at 9:13 a.m., the Senate adjourned until Monday, January 17, 2022, at 11 a.m.

SENATE CALENDAR

**Monday, January 17, 2022
11:00 AM**

FIRST READING

S. B. 244 - Relating to appointment of judges to Intermediate Court of Appeals