

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2022
SIXTEENTH DAY

Charleston, West Virginia, Thursday, January 27, 2022

The Senate met at 11:02 a.m.

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

Prayer was offered by the Reverend Dick Corbin, Director of Church Relations, Union Mission of West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Randy E. Smith, a senator from the fourteenth district.

Pending the reading of the Journal of Wednesday, January 26, 2022,

At the request of Senator Boley, 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.

Senator Blair (Mr. President) announced that, under the provisions of Senate Resolution 10 (*Adopting special rule of order relating to COVID-19 pandemic*) adopted January 18, 2022, the following senators had been approved to vote by proxy:

Senator Maroney, and that Senator Takubo had been designated to vote on his behalf;

And,

Senator Rucker, and that Senator Takubo had been designated to vote on her behalf.

The Senate proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 4252—A Bill to amend and reenact §33-59-1 of the Code of West Virginia, 1931, as amended, relating to diabetes; reducing copayments; adding coverage for devices; permitting testing equipment to be purchased without a prescription.

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, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4276—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5DD-1, all relating to the collection of data relating to Parkinson's Disease; providing for definitions; providing a notice requirement; allowing for West Virginia University to enter into agreements regarding this data collection; and allowing for the maintaining of certain records.

Referred to the Committee on Health and Human Resources.

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

House Concurrent Resolution 27—Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor.

WHEREAS, His Excellency, the Governor, has advised that he will be pleased to address a Joint Assembly of the Senate and House of Delegates at the convenience of the two houses; therefore, be it

Resolved by the Legislature of West Virginia:

That His Excellency, the Governor, be hereby invited to address a Joint Assembly of the Legislature at 7:00 p.m., January 27, 2022; and, be it

Further Resolved, That the President of the Senate and the Speaker of the House of Delegates appoint three members of each of the respective houses of the Legislature as a committee to wait upon His Excellency, the Governor, and escort him into the Hall of the House of Delegates at the time herein appointed for hearing the address.

The message further announced the appointment of the following committee on the part of the House of Delegates:

Delegates Westfall, Tully, and Boggs.

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

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

Whereupon, the President appointed as Senate members of such committee, authorized by the foregoing resolution, the following:

Senators Boley, Takubo, and Plymale.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the fourth order of business.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 5, Creating WV Unmanned Aircraft Systems Advisory Council.

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

Com. Sub. for Senate Bill 5 (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-18; to amend said code by adding thereto a new section, designated §5B-2-18a; to amend and reenact §17-2A-19a of said code; and to amend and reenact §61-16-2 of said code, all relating generally to unmanned aircraft systems; establishing the West Virginia Unmanned Aircraft Systems Advisory Council; requiring all operators of unmanned aircraft systems to comply with Federal Aviation Administration regulations; recognizing ownership of certain airspace above lands and waters of the state; clarifying the ability of the state Division of Highways to sell unused airspace to multiple bidders; clarifying the ability of a county or municipality to lease space above a public road under its control; and including private business owners and industrial facilities as entities protected by criminal statute relating to prohibited uses of unmanned aircraft systems.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Chandler Swope,
Chair.

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill 126, Expanding types of agricultural operations that are protected from nuisance and other legal actions.

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

Com. Sub. for Senate Bill 126 (originating in the Committee on Agriculture and Rural Development)—A Bill to amend and reenact §19-19-2 and §19-19-7 of the Code of West Virginia, 1931, as amended, all relating to the right to farm; expanding definition of agriculture and agricultural operation; adding definitions for aquaponics, garden, hydroponics, and urban agriculture; expanding protection of agricultural operations from nuisance and other legal actions to include aquaponics, hydroponics, and urban agriculture practices; requiring compliance with local laws, regulations, permits, and ordinances for protection from nuisance and other legal actions to apply; eliminating language that prohibits application of municipal requirements to agricultural operations located outside a municipality's corporate boundaries; and making technical changes.

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

Respectfully submitted,

Dave Sypolt,
Chair.

The bill (Com. Sub. for S. B. 126), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Hamilton, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 264, Relating to conservation districts law of WV.

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

Com. Sub. for Senate Bill 264 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §19-21A-1, §19-21A-2, §19-21A-3, §19-21A-4, §19-21A-6, and §19-21A-8 of the Code of West Virginia, 1931, as amended, all relating to conservation districts; providing for a short title of the article to be known as the Conservation Districts Law of West Virginia; restating legislative determinations and declaration of policy in clear and concise language; adding definition for "Urban Agriculture"; conferring additional powers and duties upon State Conservation Committee; providing for term of office of district supervisor to begin on July 1, immediately following primary election; providing procedure to fill office of district supervisor if no candidate seeks office; modifying candidate qualifications for election of district supervisor; modifying process for filling vacancies in office of district supervisor; and conferring additional powers and duties upon conservation districts and supervisors.

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

Respectfully submitted,

Bill Hamilton,
Chair.

The bill (Com. Sub. for S. B. 264), under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 270, Relating to employment benefits for public safety personnel.

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

Com. Sub. for Senate Bill 270 (originating in the Committee on Pensions)—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 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.

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,

Eric Nelson, Jr.,
Chair.

The bill (Com. Sub. for S. B. 270), under the original double committee reference, was then 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 439, Adopting Revised Uniform Athlete Agents Act of 2015.

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

Com. Sub. for Senate Bill 439 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §30-39-1, §30-39-2, §30-39-3, §30-39-4, §30-39-5, §30-39-6, §30-39-7, §30-39-9, §30-39-10, §30-39-11, §30-39-12, §30-39-13, §30-39-14, §30-39-15, §30-39-16, §30-39-19, and §30-39-21 of the Code of West Virginia, 1931, as amended, all relating to adopting the Revised Uniform Athlete Agents Act of 2015; modifying short title; defining terms; granting legislative rule-making authority to the Secretary of State; establishing seven-day limit on athlete agent to register; requiring additional information from applicant in registration process; eliminating language making applications or renewals for athlete agent registration public records; providing for reciprocal registration; updating required contents of reciprocal registration application; requiring Secretary of State issue reciprocal license if certain criteria satisfied; requiring Secretary of State cooperate with certain national organizations; allowing the Secretary of State to consider whether the athlete agent has pled guilty in decision to issue registration; providing requirements for reciprocal renewals of registration; providing Secretary of State authority to suspend or revoke registration for same reasons as would justify refusal to issue certificate of registration; permitting applicant to appeal adverse decision of Secretary of State; authorizing Secretary of State promulgate procedural rules to implement appeal procedures; increasing fees for initial license and renewal; adding required contract terms; requiring certain notices by athlete agent to educational institutions; requiring educational institution notify Secretary of State and others if it becomes aware of violation of article by athlete agent; allowing parent and guardian of student athlete ability to cancel contract; requiring athlete agent to create certain records; expanding scope of what constitutes prohibited conduct under the act; expanding scope of who might engage in prohibited conduct under the act; expanding scope of who can be charged with a criminal violation of the act; enabling student athletes to bring civil action for act

or omission of athlete agent; expanding scope of damages that may be available in civil action; making a civil violation an unfair trade practice under West Virginia law; establishing relation to the Electronic Signatures in Global and National Commerce Act; and modifying effective date.

Senate Bill 452, Permitting civil remedies for unauthorized disclosure of intimate images.

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

Com. Sub. for Senate Bill 452 (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 §55-20-1, §55-20-2, §55-20-3, §55-20-4, §55-20-5, §55-20-6, §55-20-7, §55-20-8, §55-20-9, and §55-20-10, all relating to permitting civil remedies for the unauthorized disclosure of intimate images; providing for a short title; defining terms; providing for a civil action; providing exceptions to liability; providing for plaintiff's privacy; providing for remedies; creating a statute of limitations; providing for construction; providing for uniformity of application and construction; and addressing effective date.

And,

Senate Bill 453, Establishing uniform requirements for restrictive employment agreements.

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

Com. Sub. for Senate Bill 453 (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 §47-29-1, §47-29-2, §47-29-3, §47-29-4, §47-29-5, §47-29-6, §47-29-7, §47-29-8, §47-29-9, §47-29-10, §47-29-11, §47-29-12, §47-29-13, §47-29-14, §47-29-15, §47-29-16, §47-29-17, §47-29-18, §47-29-19, and §47-29-20, all relating to establishing uniform requirements for restrictive employment agreements; providing for civil penalties for violation of the article; providing a short title; defining terms; creating the scope of the article; providing for notice requirements; defining low-wage workers; defining the effect of termination of work; creating a reasonableness requirement; defining the terms of a noncompete agreement; detailing the confidentiality agreement; providing for a no-business agreement; creating a nonsolicitation agreement; defining a no-recruit agreement; defining a payment-for-competition agreement; defining a training-repayment agreement; providing for nonwaivability; providing for enforcement and remedy; providing for choice of law and venue; providing for uniformity of application and construction; and providing a transitional provision.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 440, Establishing Uniform Commercial Real Estate Receivership Act.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

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

And,

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

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Eric Nelson, Jr.,
Chair.

The bills, under the original double committee references, were then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Senate Bill 450, Updating definitions of WV Personal Income Tax Act.

And,

Senate Bill 451, Updating definitions of WV Corporation Net Income Tax Act.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Roberts, Azinger, Boley, Grady, Karnes, Maynard, Phillips, Smith, Sypolt, Tarr, Trump, and Woodrum:

Senate Bill 493—A Bill to amend and reenact §18-5-4 of the Code of West Virginia, 1931, as amended, relating to requiring each county board of education to ensure that all of its meetings are open to the public through in person attendance and that the audio and video of its meetings are broadcast live to the public through an internet link on its website, and recorded with a link to the recording also available through an internet link on its website; providing exception for executive session; allowing each county board to make and enforce reasonable rules for attendance and presentation at any meeting where there is not room enough for all members of the public who wish to attend; requiring adoption of procedures to ensure delegations and speakers are treated equally; and requiring the county board to ensure that any person expressing an interest in speaking has the opportunity in compliance with adopted procedures.

Referred to the Committee on Education.

By Senator Plymale:

Senate Bill 494—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31G-1A-8, relating to creating the Broadband Carrier Neutral and Open Access Infrastructure Development Fund; providing for the administration of the fund, sources of funding for the fund, and the purposes for expenditures from the fund; and authorizing expenditures from the fund from collections and pursuant to legislative appropriations.

Referred to the Committee on Finance.

By Senator Azinger:

Senate Bill 495—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-6d, relating to requiring that all graduating seniors in West Virginia pledge an oath to uphold the Constitution of the United States of America as a condition of graduation.

Referred to the Committee on Education.

By Senator Swope:

Senate Bill 496—A Bill to amend and reenact §31-15A-10 and §31-15A-17c of the Code of West Virginia, 1931, as amended, all relating to permissible expenditures by the Water Development Authority from the Infrastructure Fund; permitting grants to a project sponsor with less than 1,500 customers of up to 100 percent of the total cost of the project; and allowing the authority to grant infrastructure grant money from the Critical Needs and Failing Systems Sub Account to certain projects for the upgrading of a water facility or wastewater facility to reduce maintenance costs, operations costs, or waterline leakages.

Referred to the Committee on Finance.

Senator Grady offered the following resolution:

Senate Resolution 15—Designating January 28, 2022, as Women's and Girls' Day at the Legislature.

Whereas, The West Virginia Women's Commission promotes the status and empowerment of all West Virginia women through advocacy, research, education, and consensus building; and

Whereas, The West Virginia Women's Commission strives to elevate the power and potential of West Virginia women and girls to thrive and have economic, political, educational, and social equality to ensure their full participation in society and to recognize their achievements; and

Whereas, In their roles as individuals, workers, military personnel, mothers, daughters, sisters, wives, friends, caretakers, activists, and volunteers, women make significant contributions to West Virginia's economy, families, communities, and general well-being; and

Whereas, The West Virginia Women's Commission has continued its history of honoring women across the state through programs such as celebrating the Legacy of Women Awards, educating women and legislators during their annual Women's and Girls' Day at the Legislature. The annual policy statements highlights legislation of the importance to women and families, raising awareness on Equal Pay Day of how far into the year women must work to earn what men earned in the previous year, and celebrating a woman's right to vote on Women's Equality Day; and

Whereas, The West Virginia Women's Commission recognizes our changing world includes a worldwide health crisis and increased efforts toward diversity, inclusion, and equality. Therefore, giving rise to the theme for the 2022 Women's and Girls' Day at the Legislature, "Being Present. A Call to Action: Expanding Our View of Normal" which focuses on five public policy pillars—child well-being, education, domestic violence prevention, economic empowerment and health; and

Whereas, West Virginia citizens are proud of the accomplishments and achievements of women of every race, age, class, identity, ability, and ethnic background in our state, both in the private and public sectors. Many appreciate their contributions to our communities as they continue to advance in leadership roles, not only in West Virginia but throughout our nation and the world; therefore, be it

Resolved by the Senate:

That the Senate hereby designates January 28, 2022, as Women's and Girls' Day at the Legislature; and, be it

Further Resolved, That the Senate expresses its sincere appreciation to women for the many contributions they make to the state of West Virginia in all facets of our society; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Women's Commission.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 9, Haynie Family Veterans Memorial Bridge.

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.

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

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.

Com. Sub. for Senate Concurrent Resolution 13, US Army PFC Joseph Stanley McKinney Memorial Bridge.

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.

At the request of Senator Plymale, unanimous consent, being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the seventh order of business.

Senate Concurrent Resolution 15, US Army PVT Shirley E. Bailey Memorial Bridge.

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 Concurrent Resolution 22, US Army PFC Clifford O. Eckard 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 23, USMC CPL Guy Maywood Edwards 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 24, USMC CPL Roger Lee Boothe Memorial Road.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 246, Requiring newly constructed public schools and public schools with major improvements to have water bottle filling stations.

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 Com. Sub. for Senate Bill 262, Relating generally to financial institutions engaged in boycotts of energy companies.

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

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 262 pass?"

Senators Trump, Nelson, and Smith, respectively, requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Trump, Nelson, and Smith would be as members of a class of persons and that they would be required to vote.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney (by proxy), Martin, Maynard, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Brown and Nelson—2.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 262) 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 Takubo, and by unanimous consent, the remarks by Senators Tarr, Nelson, Maynard, Smith, Karnes, Phillips, and Caputo regarding the passage of Engrossed Committee Substitute for Committee Substitute for Senate Bill 262 were ordered printed in the Appendix to the Journal.

At the request of Senator Plymale, unanimous consent being granted, the remarks by Senator Brown regarding the passage of Engrossed Committee Substitute for Committee Substitute for Senate Bill 262 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for Senate Bill 437, Providing for early discharge of parolees.

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 (by proxy), Martin,

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 437) 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 (by proxy), Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 437) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 431, Relating generally to Uniform Controlled Substances Act.

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

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

On page one, section four hundred sixteen, lines fourteen through seventeen, by striking out all of subsection (c) and inserting in lieu thereof a new subsection (c) to read as follows:

(c) As used in this section:

(1) The phrase "engaged in the illegal use of a controlled substance with another person" means being in the physical presence of a person engaged in illegal drug use and participating with him or her in illegal drug use, or knowingly facilitating illegal drug abuse by the other person so engaged.

(2) "Seek medical assistance" means contacting the 9-1-1 emergency system, a poison control facility, any type of first responder, a medical facility or medical professional capable of treating an overdose and in the case of an opioid overdose to administer or cause the administration of a commercially produced and medically recognized opioid antagonist.

The bill (Com. Sub. for S. B. 431), as amended, was then ordered to engrossment and third reading.

At the request of Senator Woelfel, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

Thereafter, at the request of Senator Lindsay, and by unanimous consent, the remarks by Senator Woelfel as to the introduction of striking workers from Special Metals in Huntington, West Virginia, were ordered printed in the Appendix to the Journal.

The Senate again proceeded to the ninth order of business and resumed consideration of the remainder of its second reading calendar, the next bill coming up in numerical sequence being

Senate Bill 435, Awarding service weapon to retiree from Division of Protective Services.

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 449, Relating to Nonviolent Offense Parole Program.

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 151, Creating license plate recognizing linemen.

Com. Sub. for Senate Bill 192, Establishing Civil Air Patrol license plate.

Com. Sub. for Senate Bill 261, Requiring video cameras in certain special education classrooms.

Com. Sub. for Senate Bill 279, Authorizing DEP to promulgate legislative rules.

And,

Com. Sub. for Senate Bill 441, Providing confidentiality of video and other records of correctional juvenile facilities.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Caputo, Sypolt, and Beach.

At the request of Senator Sypolt, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of the passing of Private First-Class Zachary Wayne Riffle, a marine who was killed in a tactical vehicle rollover accident on January 19, 2022.

At the request of Senator Beach, and by unanimous consent, the Senate then stood in observance of a moment of silence in recognition of the lives lost during the Holocaust on International Holocaust Remembrance Day.

At the request of Senator Lindsay, and by unanimous consent, the remarks by Senators Caputo and Sypolt were ordered printed in the Appendix to the Journal.

At the request of Senator Woelfel, unanimous consent being granted, the remarks by Senator Beach were ordered printed in the Appendix to the Journal.

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 removed as co-sponsors of the following bills on January 26, 2022:

Senate Bill 483: Senator Lindsay;

And,

Senate Bill 485: Senators Martin, Hamilton, and Stollings.

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 26, 2022:

Senate Bill 126: Senators Rucker, Maynard, and Baldwin;

Senate Bill 134: Senator Takubo;

Senate Bill 154: Senator Takubo;

Senate Bill 182: Senator Grady;

Senate Bill 206: Senator Jeffries;

Senate Bill 207: Senator Jeffries;

Senate Bill 218: Senator Rucker;

Senate Bill 219: Senators Rucker and Jeffries;

Senate Bill 225: Senator Takubo;

Senate Bill 231: Senators Jeffries, Stollings, and Woelfel;

Senate Bill 233: Senators Jeffries and Woelfel;

Senate Bill 238: Senator Woelfel;

Senate Bill 242: Senator Baldwin;

Senate Bill 243: Senator Woelfel;

Senate Bill 245: Senator Woelfel;
Senate Bill 247: Senator Takubo;
Senate Bill 270: Senator Rucker;
Senate Bill 273: Senator Woelfel;
Senate Bill 274: Senator Woelfel;
Senate Bill 413: Senators Rucker and Takubo;
Senate Bill 432: Senator Sypolt;
Senate Bill 452: Senator Grady;
Senate Bill 469: Senators Martin and Woelfel;
Senate Bill 470: Senator Roberts;
Senate Bill 481: Senator Lindsay;
Senate Bill 487: Senators Clements and Roberts;
Senate Bill 488: Senators Baldwin, Lindsay, and Stollings;
Senate Bill 489: Senators Baldwin, Stollings, and Phillips;
Senate Bill 490: Senators Baldwin, Grady, and Stollings;
Senate Bill 491: Senator Stollings;
Senate Bill 492: Senator Clements;
Senate Joint Resolution 4: Senator Rucker;
Senate Joint Resolution 6: Senator Rucker;
Senate Concurrent Resolution 22: Senator Stollings;
Senate Concurrent Resolution 23: Senator Phillips;
And,
Senate Concurrent Resolution 24: Senator Phillips.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:05 p.m., the Senate adjourned until tomorrow, Friday, January 28, 2022, at 9 a.m.

At the time set for the joint assembly to hear the address of His Excellency, the Governor (under the provisions of H. C. R. 27, previously adopted by the Senate),

Members of the Senate repaired in a body to the hall of the House of Delegates.

(NOTE: For formal procedure in the joint assembly and the address of His Excellency, the Governor, the Honorable Jim Justice, see the Journal of the House of Delegates for this day.)

SENATE CALENDAR

**Friday, January 28, 2022
9:00 AM**

UNFINISHED BUSINESS

S. R. 15 - Designating January 28, 2022, as Women's and Girls' Day

THIRD READING

Eng. Com. Sub. for S. B. 246 - Requiring newly constructed public schools and public schools with major improvements to have water bottle filling stations

Eng. Com. Sub. for S. B. 431 - Relating generally to Uniform Controlled Substances Act

Eng. S. B. 435 - Awarding service weapon to retiree from Division of Protective Services

Eng. Com. Sub. for S. B. 449 - Relating to Nonviolent Offense Parole Program

SECOND READING

Com. Sub. for S. B. 151 - Creating license plate recognizing linemen (original similar to SB 192)

Com. Sub. for S. B. 192 - Establishing Civil Air Patrol license plate (original similar to SB 151)

Com. Sub. for S. B. 261 - Requiring video cameras in certain special education classrooms

Com. Sub. for S. B. 279 - Authorizing DEP to promulgate legislative rules (original similar to HB4118)

Com. Sub. for S. B. 441 - Providing confidentiality of video and other records of correctional juvenile facilities

FIRST READING

Com. Sub. for S. B. 5 - Creating WV Unmanned Aircraft Systems Advisory Council

Com. Sub. for S. B. 439 - Adopting Revised Uniform Athlete Agents Act of 2015

S. B. 440 - Establishing Uniform Commercial Real Estate Receivership Act

S. B. 450 - Updating definitions of WV Personal Income Tax Act (original similar to HB4323)

S. B. 451 - Updating definitions of WV Corporation Net Income Tax Act (original similar to HB4322)

Com. Sub. for S. B. 452 - Permitting civil remedies for unauthorized disclosure of intimate images

Com. Sub. for S. B. 453 - Establishing uniform requirements for restrictive employment agreements