

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE  
REGULAR SESSION, 2022  
TWENTY-SECOND DAY

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Charleston, West Virginia, Wednesday, February 2, 2022

The Senate met at 11:01 a.m.

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

Prayer was offered by Pastor Don Biram, Emmanuel Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Jack David Woodrum, a senator from the tenth district.

Pending the reading of the Journal of Tuesday, February 1, 2022,

At the request of Senator Caputo, 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 Rucker, and that Senator Takubo had been designated to vote on her behalf;

And,

Senator Smith, and that Senator Takubo had been designated to vote on his behalf.

The Senate proceeded to the third order of business.

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

**Eng. Senate Bill 244**, Relating to appointment of judges to Intermediate Court of Appeals.

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 4110**—A Bill to amend and reenact §18-9A-4 of the Code of West Virginia, 1931, as amended, relating to public school support, foundation allowance for professional educators; and providing that a county board of education serving as the fiscal agent for a multi-county vocational center may not be penalized if the county's failure to meet the applicable minimum ratio is due to the staffing levels at the multi-county vocational center.

Referred to the Committee on Education.

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

**Eng. House Bill 4286**—A Bill to amend and reenact §29-6-4 of the Code of West Virginia, 1931, as amended, relating to exempting persons employed as attorneys from the civil service system.

Referred to the Committee on Government Organization.

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

**Eng. House Bill 4312**—A Bill to amend and reenact §3-3-1 and §3-3-5 of the Code of West Virginia, 1931, as amended, relating to permitting first responders to vote by electronic absentee ballot in certain emergency circumstances.

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 4333**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-26-21, relating to sunset the Board of Hearing-Aid Dealers and Fitters.

Referred to the Committee on Government Organization.

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

**Eng. House Bill 4360**—A Bill to amend and reenact 18C-9-5 of the Code of West Virginia, 1931, as amended, relating to eligibility requirements for the West Virginia Invests Grant Program; providing that the community service requirement may be satisfied by certain military service; and providing for reimbursement to certain grant recipients that have repaid a grant and related expenses charged for failure to meet the community service requirement.

Referred to the Committee on Education.

### 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 2, 2022

The Honorable Lee Cassis, Clerk  
West Virginia Senate  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Senate Bill No. Eight (8), which was presented to me on January 28, 2022.

Senate Bill No. One Hundred Ninety-One (191), which was presented to me on January 28, 2022.

You will note that I have approved these bills on February 2, 2022.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice  
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

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

The Senate proceeded to the fourth order of business.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 2nd day of February, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**(S. B. 4)**, Repealing ban on construction of nuclear power plants.

Respectfully submitted,

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

Steve Westfall,  
*Vice Chair, House Committee.*

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 2**, Relating to unemployment benefits program.

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

**Com. Sub. for Senate Bill 2** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §21A-2D-2 of the Code of West Virginia, 1931, as amended, as contained in Chapter 273, Acts of the Legislature, Regular Session, 2021; to amend said code by adding thereto a new section, designated §21A-2D-2a; to amend and reenact §21A-2D-3 of said code; to amend said code by adding thereto a new article, designated §21A-3-1, §21A-3-2, and §21A-3-3; and to amend and reenact §21A-6-10 of said code, all relating to indexing unemployment benefits based on the state average unemployment rate; modifying methodology for calculating maximum benefit rate; modifying benefit table consistent with adoption of indexing; requiring Workforce West Virginia Commissioner take certain actions to verify unemployment insurance claim program integrity; requiring commissioner to review suspicious or potentially improper claims under certain circumstances; defining "state average unemployment rate"; limiting the maximum duration of unemployment benefits based on the "state average unemployment rate"; requiring Workforce West Virginia to promulgate legislative rules; establishing an internal effective date; reducing maximum benefit for each wage class; and removing chart column made incorrect by adoption of indexing.

With the recommendation that the committee substitute do pass.

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 3**, Requiring work search activities to qualify for unemployment benefits.

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

**Com. Sub. for Senate Bill 3** (originating in the Committee on Finance)—A Bill to amend and reenact §21A-6-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21A-6-1d, all relating to eligibility for unemployment benefits; requiring work search activities to qualify for unemployment benefits; defining what constitutes work search activities; mandating submittal of proof of work search activities; providing for verification of work search activities; granting commissioner of Workforce West Virginia discretion in verification of work search activities; mandating establishment of process to refer individuals seeking unemployment benefits to job opportunities; requiring individuals receiving referrals to suitable work to apply for and accept that work; mandating employers to report refusal of offer of employment to commissioner; allowing individuals who accept part-time non-suitable employment to receive unemployment benefits without reduction for wages under certain circumstances; making certain individuals applying for or receiving unemployment benefits exempt from work search requirements; establishing process for notification of work search activity requirements; requiring rulemaking; and setting effective date.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

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

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

**Com. Sub. for Senate Bill 181** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto nine new sections designated, §16-42-1, §16-42-2, §16-42-3, §16-42-4, §16-42-5, §16-42-6, §16-42-7, §16-42-8, and §16-42-9; and to amend and reenact §24-6-6b of said code, all relating to creating of the Core Behavioral Health Crisis Services System; designating of crisis hotline centers; reimbursing treatment for crisis receiving and stabilization services; creating the Statewide 988 Trust Fund; providing a mechanism for funding the trust fund; establishing the uses of the fund; authorizing a statewide 988 fee; establishing the duties and powers of the secretary; providing for timelines for implementation; authorizing rulemaking, including emergency rules; and requiring annual reports.

And,

**Senate Bill 247**, Relating to certified community behavioral health clinics.

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

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

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

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

The bills (Com. Sub. for S. B. 181 and 247), under the original double committee references, were then referred to the Committee on Finance.

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 231**, Relating generally to broadband connectivity.

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

**Com. Sub. for Senate Bill 231** (originating in the Committee on Economic Development)—A Bill to amend and reenact §31G-4-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §31G-4-7, all relating to broadband connectivity; defining terms; requiring engineering reports on available telecommunication cable space; providing for shared costs for the report; requiring notice from pole owner or manager to telecommunication carriers of available space; requiring notice to pole owner or manager of intent to use any available space; and exempting pole owners which have electronic permitting and notification software system for processing pole attachment applications.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Chandler Swope,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

**Com. Sub. for Senate Bill 264** (originating in the Committee on Natural Resources), Relating to conservation districts law of WV.

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

**Com. Sub. for Com. Sub. for Senate Bill 264** (originating in the Committee on Government Organization)—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 definitions for "agriculture" and "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 for committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

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

Your Committee on Education has had under consideration

**Senate Bill 493**, Requiring county BOE make meetings available to public in-person and through internet.

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

Respectfully submitted,

Rollan A. Roberts,  
*Vice Chair.*

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

**Senate Bill 497**, Relating to method for appraising qualified capital additions to manufacturing facilities.

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

**Com. Sub. for Senate Bill 497** (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §11-6F-6 of the Code of West Virginia, 1931, as amended, all relating to the special method for appraising qualified capital additions to manufacturing facilities; eliminating the requirement that otherwise qualified investment assets be located or installed at or within two miles of a pre-existing manufacturing facility; and specifying effective date.

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,

Randy E. Smith,  
*Chair.*

The bill (Com. Sub. for S. B. 497), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Education has had under consideration

**Senate Bill 499**, Authorizing legislative rules for School Building Authority.

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

Respectfully submitted,

Rollan A. Roberts,  
*Vice Chair.*

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 17**, US Air Force 167th Airlift Wing Firefighter/SSgt Logan A. Young Memorial Bridge.

And reports back a committee substitute for same as follows:

**Com. Sub. for Senate Concurrent Resolution 17** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 02-032/00-001.22 (02A152), (39.40678, -78.02421) locally known as Tabler Station Overpass, carrying CR 32 over I-81 in Berkeley County, the "U.S. Air Force SSGT Logan A. Young Memorial Bridge".

Whereas, Logan Andrew Young was born in 1990, in Winchester, Virginia, the son of Steven B. Young and Beth A. Young. He grew up in Winchester, Virginia, where he graduated from Millbrook High School in 2008. He enlisted in the United States Air Force in 2011; and



Whereas, While serving on active duty in security forces, Logan A. Young was stationed at Kadena Air Base, Japan; RAF Alconbury, England; and Andrews Air Force Base, Maryland. He was deployed to the Middle East in 2012 and again in 2014. He joined the 167th Civil Engineering Squadron as a firefighter in 2018 and was a decorated Senior Airman with the 167th Airlift Wing of the West Virginia Air National Guard; and

Whereas, Senior Airman Logan A. Young, a nine-year veteran of the United States Air Force, lost his life in the line of duty while fighting a fire in the early morning hours of December 27, 2020, near Martinsburg, West Virginia; and

Whereas, Senior Airman Logan A. Young's military awards include the Air Force Outstanding Unit Award, Air Force Good Conduct Medal with one Oak Leaf Cluster, Air Reserve Forces Meritorious Service Medal, National Defense Service Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Air Force Overseas Ribbon Long with 1 Oak Leaf Cluster, Air Force Expeditionary Service Ribbon with Gold Border, Air Force Expeditionary Service Ribbon, Air Force Longevity Service, USAF NCO PME Graduate Ribbon, Small Arms Expert Marksmanship Ribbon (Rifle), and the Air Force Training Ribbon; and

Whereas, Senior Airman Logan A. Young was posthumously promoted to the rank of staff sergeant; and

Whereas, SSGT Logan A. Young exemplified being a devoted and selfless patriot who loved his country, community, family, and fellow man. He was patient, passionate, and dedicated. He enjoyed playing soccer, basketball, fishing, and riding ATVs and his motorcycle. He was an avid Pittsburgh Steelers fan. SSGT Logan A. Young also had a great love for sneakers and owned enough Nikes to wear a different pair every day of the year; and

Whereas, SSGT Logan A. Young is survived by his daughter, Leira Ann Young, who was born six months after his death; his fiancée, London Brown, and her daughter Jesslyn Wolf; his brother and sister-in-law, Nathan Young and Daffne; his sister and brother-in-law, Danielle Brosan and Mike; and many aunts, uncles, cousins, and friends; and

Whereas, SSGT Logan A. Young was a hero to many, loved by all, and missed by those who knew him. SSGT Logan A. Young is forever in the hearts of his family and friends, as well as his military and fire department. As someone once said, "A hero is someone who has given his life to something bigger than oneself"—SSGT Logan A. Young was a hero; and

Whereas, It is fitting that an enduring memorial be established to commemorate SSGT Logan A. Young and his sacrifice to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 02-032/00-001.22 (02A152), (39.40678, -78.02421) locally known as Tabler Station Overpass, carrying CR 32 over I-81 in Berkeley County, the "U.S. Air Force SSGT Logan A. Young Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Air Force SSGT Logan A. Young Memorial Bridge"; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways; a copy to the County Counsel of Berkeley County; two copies—one to his father Steven B. Young and a copy to his mother Beth A. Young; and to his daughter Leira Ann Young; his fiancée, London Brown; his brother and sister-in-law, Nathan Young and Daffne; and to his sister and brother-in-law, Danielle Brosan and Mike.

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 21**, Putnam County Veterans Memorial Bridge.

**Senate Concurrent Resolution 23**, USMC CPL Guy Maywood Edwards Memorial Bridge.

And,

**Senate Resolution 4**, Urging US Army Corps of Engineers study clean energy production at Summersville dam.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

**Eng. House Bill 2325**, Removing the requirement of continuing education for barbers and cosmetologists.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Eng. Com. Sub. for House Bill 4062**, Removing the residency requirement for the Commissioner of the Division of Highways.

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

Respectfully submitted,

Charles H. Clements,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Eng. House Bill 4301**, Reforming membership requirements of Huntington Park and Recreation District Board.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The Senate proceeded to the sixth order of business.

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

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

**Senate Bill 554**—A Bill to repeal §22C-3-22 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22C-3-1, §22C-3-3, §22C-3-4, §22C-3-5, §22C-3-6, §22C-3-7, §22C-3-8, §22C-3-9, §22C-3-10, §22C-3-11, §22C-3-12, §22C-3-13, §22C-3-14, §22C-3-15, §22C-3-16, §22C-3-17, §22C-3-19, §22C-3-20, §22C-3-21, §22C-3-23, §22C-3-24, and §22C-3-26 of said code, all relating to abolishing the West Virginia Solid Waste Management Board and transferring its functions, rights, powers, and duties to the Department of Environmental Protection; declaring that the department is bound by actions previously taken by the Solid Waste Management Board; removing or repealing obsolete provisions relating to the former board; and correcting and revising citations to related sections of said code.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

**By Senators Karnes, Azinger, Boley, Clements, Grady, Hamilton, Martin, Phillips, Roberts, Smith, Stover, Swope, Sypolt, Takubo, and Woodrum:**

**Senate Bill 555**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-16, relating generally to financial institutions engaged in boycotts of firearms companies; defining terms; authorizing the State Treasurer to prepare,

maintain, and publish a list of financial institutions engaged in boycotts of firearms companies; requiring the Treasurer to post the list on his or her website and submit the list to certain public officials; setting forth sources of information on which the Treasurer may rely on preparing the list; requiring the Treasurer to send written notice to a financial institution of its inclusion on the list; requiring the Treasurer to remove a financial institution from the list if it presents information demonstrating that it is not engaged in a boycott of firearms companies; authorizing the Treasurer to exclude financial institutions on the list from the selection process for state banking contracts; authorizing the Treasurer to refuse to enter into a banking contract with a financial institution on the list; authorizing the Treasurer to require, as a term of a banking contract, an agreement by the financial institution not to engage in a boycott of firearms companies; and limiting liability of public officials, public employees, members or employees of financial institutions for actions taken in compliance with the new code section and exempting the Investment Management Board.

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

**By Senators Romano, Caputo, Jeffries, Martin, and Trump:**

**Senate Bill 556**—A Bill to amend and reenact §15-10-5 of the Code of West Virginia, 1931, as amended, relating to the Federal officers' peace-keeping authority; and removing the incorporation by reference of an obsolete federal statute within the definition of FBI police officer.

Referred to the Committee on the Judiciary.

**By Senators Woodrum, Azinger, Beach, Boley, Caputo, Clements, Geffert, Grady, Hamilton, Karnes, Martin, Nelson, Phillips, Plymale, Roberts, Romano, Stollings, Stover, and Woelfel:**

**Senate Bill 557**—A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to extending until July 1, 2023, the current cap on the per diem rate paid by counties and municipalities to house inmates in jail facilities.

Referred to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 558**—A Bill to amend and reenact §62-12-12 of the Code of West Virginia, 1931, as amended, relating to adding additional members to the West Virginia Parole Board.

Referred to the Committee on the Judiciary.

**By Senator Takubo:**

**Senate Bill 559**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-61-1, all related to requiring health benefit plan coverage for medically necessary dental procedures that result from cancer treatment; creating the Oral Health and Cancer Rights Act; setting forth legislative intent; explaining scope of procedures covered as a result of certain cancer treatments; requiring use of specific billing identifier; and setting an effective date.

Referred to the Committee on Health and Human Resources.

**By Senator Maynard:**

**Senate Bill 560**—A Bill to amend and reenact §17C-1-70 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-11-8 of said code, all relating to defining Class 2

e-bikes; and permitting Class 2 e-bikes to be given the same allowances as Class 3 e-bikes in certain circumstances.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Trump:**

**Senate Bill 561**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §50-1-2a, relating to increasing the number of magistrate judges in Berkeley County; providing legislative findings; increasing allowable number of magistrate judges in Berkeley County by a certain effective date; and providing for initial appointment.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 562**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-23, relating to authorizing Adopt-A-Trail volunteer programs for public lands under the jurisdiction of the Division of Natural Resources; requiring volunteer project agreements with the division; providing that volunteer trail services shall not replace work that is ordinarily performed by state personnel; providing for project coordination; and establishing minimum requirements for volunteer organizations.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 563**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-20, relating to permitting dispersed camping on state lands under the jurisdiction of the Division of Natural Resources; authorizing program; requiring permits issued as additions to hunting and fishing licenses; prohibiting the use of several classes of vehicles; requiring fees to be established by legislative rule; and exempting Coopers Rock and Kanawha State Forests from the program.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 564**—A Bill to amend and reenact §17-2A-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-1-12a, all relating to mapping of public roads; requiring visual representations of the surface types and road styles of public roads and highways; and requiring the Division of Natural Resources to inventory and map certain forest roads with a legend as to any restrictions on the uses of those roads.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 565**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-43, relating to establishing Class WV resident and Class WV nonresident, wildlife view stamps; and authorizing the Department of Natural Resources to propose legislative rules for the cost of the stamps and the appropriate uses thereof.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 566**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-1C-1 and §5B-1C-2, all relating to requiring the Department of Commerce to collaborate with state agencies to develop a plan for adventure travel recreation promotion in this state.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 567**—A Bill to amend and reenact §11-4-9 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §11-13LL-1; and to amend and reenact §22-3-32 of said code, all relating to exempting unmined rare earth metals and rare earth elements from taxation in West Virginia; and defining terms of unmined rare earth metals and unmined rare earth elements.

Referred to the Committee on Finance.

**By Senator Roberts:**

**Senate Bill 568**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3ii; to amend said code by adding thereto a new section, designated, §33-24-7x; to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating generally to insurance; defining insurance loss ratios; and requiring insurance plans to provide underwriting information to insureds.

Referred to the Committee on Banking and Insurance.

**By Senator Trump:**

**Senate Bill 569**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8B-19, relating to the confidentiality of court files and law-enforcement records of certain enumerated offenses, and the order permitting the examination or copying of certain files; obtaining certain files by the issuance of a subpoena duces tecum; and creating a misdemeanor offense and penalty for a violation.

Referred to the Committee on the Judiciary.

Senator Jeffries offered the following resolution:

**Senate Concurrent Resolution 29**—Requesting the Division of Highways name, upon construction of the new bridges that will replace the Donald M. Legg Memorial Bridge, carrying I-64 over the Kanawha River, locally known as the Nitro-St. Albans Bridge in Kanawha County, the new westbound lanes/bridge, the "Nitro WW I Memorial Bridge".

Whereas, On August 29, 1916, the United States Congress authorized the building of the Naval Ordnance Plant between U.S. 60 and the railroad in South Charleston, West Virginia. The plant took two years to build, spanned 900,000 square feet, and began operating in May of 1918. According to Secretary of the Navy Josephus Daniels, this naval base was the first in U.S. history to be placed away from seawaters. The U.S. Navy was drawn to the location by West Virginia's natural resources, as well as its "moral environment and splendid citizenship". The plant

manufactured military equipment such as armor plates, gun forgings, and projectiles for battleships and cruisers which were used by the U.S. Navy in World War I; and

Whereas, Nitro was a World War I boom town believed to be named after nitrocellulose, which was used to manufacture smokeless gunpowder and other explosive devices. The plant was one of three selected by the U.S. government under the Deficiency Appropriations Act to relieve a severe shortage of gunpowder. Nitro's location, 14 miles from Charleston, was chosen because it was secure from coastal attacks and climatic conditions while having access to railroads, waterways, and raw materials. The ordnance plant complex was known as Explosive Plant C. It was built in just 11 months and thousands of workers, supplies, and materials arrived practically overnight; and

Whereas, During the 11 months that the Explosive Plant C was in operation, the town was 90 percent complete and housed 23,951 people associated with the plant. There was a high turnover of people coming and going from the plant, with workers from each state and representing 41 different nationalities. Some who arrived for work in 1918 suffered from Spanish influenza, and army barracks and other buildings had to be converted into hospitals to care for the sick; and

Whereas, By the end of the war on November 11, 1918, Explosive Plant C had produced 350 tons of smokeless gun powder per day. On Armistice Day, Nitro celebrated with a parade of cars, military tanks, and a band. Within two weeks after the Armistice, 12,000 people left Nitro and there were not enough workers to sustain plant production. The director of the plant turned its operation over to the Ordnance Department on January 15, 1919, and the plant was declared surplus as the U.S. government prepared to liquidate the property. Workers were laid off in October of 1919 and, a month later, the facilities were sold at auction to the Charleston Industrial Corporation; and

Whereas, In November of 1919, a state charter was granted to the Charleston Industrial Corporation, which was organized for the specific purpose of purchasing and redeveloping the surplus government property at Nitro. The Charleston Industrial Corporation launched a sales promotion campaign to attract new industries and businesses to the area, focusing on manufacturing and chemical industries. By 1921, the future of Nitro was beginning to take shape with many wartime holdovers calling it home and relying on their friends and neighbors for fellowship, common interests, and help in time of need. This early community spirit remains strong; and

Whereas, Remnants of Nitro's gunpowder production history can be seen throughout the town and many special events associated with both World War I and World War II are held each year. The town proudly celebrates its wartime history and being known as a "living memorial to World War I"; and

Whereas, It is fitting that an enduring memorial be established to commemorate Nitro's rich past, significance, and contributions to our state and country during World War I; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the new westbound lanes/bridge, upon construction of the new bridges that will replace the Donald M. Legg Memorial Bridge, carrying I-64 over the Kanawha River, locally known as the Nitro-St. Albans Bridge in Kanawha County, the "Nitro WW I Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the westbound lanes/bridge as the "Nitro WW I Memorial Bridge"; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Baldwin and Woodrum offered the following resolution:

**Senate Concurrent Resolution 30**—Requesting the Division of Highways name bridge number 13-017/02-000.34 (13A250), (37.94358, -80.47152), locally known as Culverson Creek Bridge, carrying CR 17/2 over Culverson Creek in Greenbrier County, the "McClintic Family Bridge".

Whereas, Alexander McClintock was born in Ireland in 1717 and came to America in 1725. He settled in the Bath County, Virginia area and revised the spelling of "McClintock" to "McClintic," most likely because Alexander McClintic could not read or write. He served in the army of General Andrew Lewis and took part in the Battle of Point Pleasant. Alexander McClintic's name is on the monument commemorating that battle; and

Whereas, Robert McClintic, Alexander McClintic's youngest son, married Jane Mann, came to Greenbrier County and settled on the land that borders Culverson Creek, in Williamsburg, West Virginia in 1802. The historic home that is still standing today was built in 1829 for Robert McClintic's youngest son, Robert Mann McClintic II, who was a Methodist minister, and his wife, Mary Griffin (Leonard) McClintic; and

Whereas, Michael Leonard McClintic was the tenth child of Robert Mann McClintic II and Mary McClintic. He and his wife, Laura Jane Lynch, later took over the house after the passing of Michael Leonard McClintic's parents. They raised nine children in the home and the eldest was Clifton Forest McClintic; and

Whereas, Dr. Clifton Forest McClintic was born on August 9, 1884, in the home at Williamsburg along Culverson Creek. Dr. Clifton Forest McClintic graduated from Randolph-Macon College and received his medical degree from Cincinnati. He served as the West Virginia Director of Conservation Commission, in the West Virginia House of Delegates, as warden of Moundsville Penitentiary, and was appointed state Health Commissioner. The Dr. Clinton Forest McClintic Wildlife Station State Park and Management Area in Mason County, West Virginia bears his name; and

Whereas, Dr. Clifton Forest McClintic never married or had children, and after his father passed away, he returned home and took over the farm on Culverson Creek. He expanded the farm and remodeled the house. He added cabins along the creek, which he later donated to the Boy Scout Association, and it served for many years as the state camp for Boy Scouts in West Virginia during the 1940's and 1950's; and

Whereas, Dr. Clifton Forest McClintic died in 1952 and deeded the farm to his nephew, Bunyan Leonard McClintic. Bunyan "Bun" Leonard McClintic and his wife, Aena Alice Neely, had nine children: Levi, Patrick, James "Alan", Doris "Gay", Alice "Joan", Wayne, Bedford, Robert, and Jerry. Many of their children were born at the home and all of the children grew up working



the farm, hunting in the fields, playing in Culverson Creek near the bridge, and attended the Frankford School; and

Whereas, Five of the McClintic boys served in the United States Army overseas from 1957-1979. All seven boys attended college in West Virginia and earned their college degrees. Five returned to Williamsburg area and continued to contribute to the local Frankford/Williamsburg, West Virginia community, with four serving as educators in the public school system; and

Whereas, Levi McDonald McClintic was born in 1934 and attended Potomac State and West Virginia University, earning a Bachelors of Science degree in Agriculture. He joined the United States Army in 1957 and was stationed in Fort Benning, Georgia and Bamberg, Germany. He returned to Greenbrier County and was employed as a meat inspector from 1966-1992. He and his wife Ramona Hanna have five children, eight grandchildren, and six great grandchildren. His grandson, Christopher Wiseman, served 12 years in the United States Navy. Levi and Ramona McClintic operate the McClintic farm today; and

Whereas, Patrick Wallace McClintic was born in 1935 and attended Potomac State and West Virginia University, earning a degree in Agriculture. He joined the United States Army in 1958 and retired in 1985. Patrick "Pat" Wallace McClintic rose to the rank of Colonel and completed assignments in Fort Dix, New Jersey, Korea, Germany, Fort Leavenworth, Kansas, Virginia, Florida, Pennsylvania, and the Pentagon in Washington, D.C. Colonel Patrick "Pat" Wallace McClintic also served two tours in Vietnam. He later served as a professor of Military Science at West Virginia University. Colonel McClintic, who died in 1995, was a recipient of the Bronze Star, and is buried at the Arlington National Cemetery in Washington, D.C. He and his wife Bobbie Ann Cole have two children and three grandchildren; and

Whereas, James Alan McClintic was born in 1937 and joined the United States Army in 1961 after graduating from Potomac State and West Virginia University, earning a degree in Physical Education. He was stationed in Fort Benning, Georgia and Fort Sill, Oklahoma for two years. He returned to Greenbrier County and taught until his retirement from Renick Junior High School/Greenbrier County public schools in 1989. James "Alan" McClintic and Frances Spencer divorced, but have four children and 11 grandchildren. Son, Kevin McClintic, retired from the United States Army, and grandson Trevor Weikle has 12 years' service in the United States Army and continues today to serve in the United States Army Reserves. James "Alan" McClintic and his wife, Dora Whitt, have two children and four grandchildren, and continue to live on and operate part of the McClintic farm; and

Whereas, Wayne Leonard McClintic was born in 1943 and was a ROTC Army cadet at West Virginia University. Upon completing a master's degree in Agricultural Engineering in 1967, Wayne joined the United States Army and was stationed at Fort Belvoir, Virginia, Saudi Arabia, and Fort Leonard Wood, Missouri as Second Lieutenant of the Corps of Engineers. Wayne and his wife, Thomasine Michael, have four children and eight grandchildren; and

Whereas, Bedford Rader McClintic was born in 1946 and was a ROTC Army cadet at West Virginia University. He graduated with degrees in Physical Education in 1968, and from the University of Kentucky in 1969. He entered the United States Army and served assignments in Indiana, Georgia, and overseas in Germany and Vietnam. He continued to serve in the United States Army Reserves until 1979. He served as principal of Frankford School, his alma mater, from 1978-2017, when he retired from the Greenbrier County public school system. He and his wife, Patricia Dodson, have two children and three grandchildren. His daughter, Debbie, and her husband Jason were married on the bridge in 2009. Bedford Rader McClintic and Patricia Dodson

have a "camp" along the creek that borders the old Boy Scout camp, part of the original McClintic homestead; and

Whereas, Robert Ray McClintic was born in 1950 and earned degrees from Concord College and West Virginia University. Robert "Bob" Ray McClintic returned to Greenbrier County where he served as a coach and taught in the public school system from 1972-2006, when he retired after 33 years of service. He and his wife, Elizabeth "Jane" Renick, have four children and six grandchildren. Robert "Bob" Ray McClintic and his wife continue to live on the family homestead; and

Whereas, Jerry Moore McClintic was born in 1954 and graduated from Concord College and West Virginia University with degrees in Physical Education, Library Science, and Communications. He coached and taught in the public school systems of Monroe and Greenbrier counties, until he retired from Frankford School in 2009. Jerry Moore McClintic and his wife, Sara Hill, have three children and four grandchildren. Jerry Moore McClintic and his wife continue to live on the family farm; and

Whereas, Bunyan "Bun" Leonard McClintic died in 1978 and his wife Aena Alice Neely continued to live in the McClintic home until her passing in 2000. Four of the McClintic sons and their families continue to live on the homestead today. The historic Dr. Clifton Forest McClintic home is a gathering place for the extended McClintic family, and the bridge and Culverson Creek remain a respite for the grandchildren and for future generations to come; and

Whereas, It is fitting that an enduring memorial be established to commemorate the McClintic family's decades of public service and contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 13-017/02-000.34 (13A250), (37.94358, -80.47152), locally known as Culverson Creek Bridge, carrying CR 17/2 over Culverson Creek in Greenbrier County, the "McClintic Family Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "McClintic Family Bridge"; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senator Maynard offered the following resolution:

**Senate Concurrent Resolution 31**—Requesting the Division of Highways name bridge number 50-052/00-030.52 (50A087), (38.08965, -82.54603), locally known as Nursery Gap Bridge, carrying US 52 over Mill Creek in Wayne County, the "U.S. Navy HM3 Roy Elmer 'Doody' Moon Bridge".

Whereas, Roy Elmer "Doody" Moon was born on July 2, 1945, in Cove Gap, Wayne county, the son of Jim and Sylvia Moon; and

Whereas, Roy Elmer "Doody" Moon attended Wayne High School, where he played football and from which he was graduated in 1963; and

Whereas, HM3 Roy Elmer "Doody" Moon entered the U.S. Navy where he became a Medic and was sent to Vietnam where he was sent to a U.S. Marine unit; and

Whereas, HM3 Roy Elmer "Doody" Moon, for his courage, bravery, and dedication to duty during an action in Vietnam was awarded the Bronze Star. Marines and sailors with whom he served have stated HM3 Roy Elmer "Doody" Moon was everything from "the bravest man I know" to "he never thought of his own safety; the injured came first". All who attended a unit reunion had praise for HM3 Roy Elmer "Doody" Moon. Some said they would not be alive today if it had not been for him. The platoon leader stated that he worried the new medic would not be as capable to do the job of their former medic, but stated HM3 Roy Elmer "Doody" Moon more than filled the shoes left by the former medic; and

Whereas, After receiving an Honorable Discharge from the U.S. Navy on August 8, 1971, HM3 Roy Elmer Moon returned to civilian life in Wayne County and served his community; and

Whereas, HM3 Roy Elmer "Doody" Moon married Nancy Moon and they had one son, Christopher Moon; and

Whereas, HM3 Roy Elmer "Doody" Moon worked for many years at Ashland Oil (now Marathon Oil) from where he retired; and

Whereas, HM3 Roy Elmer "Doody" Moon has contributed to the Wayne County community, including serving as a member and as past chairman for the Board of Wayne County Solid Waste Authority; and

Whereas, It is fitting that an enduring memorial be established to recognize HM3 Roy Elmer "Doody" Moon and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number: 50-052/00-030.52 (50A087), (38.08965,-82.54603), locally known as Nursery Gap Bridge, carrying US 52 over Mill Creek in Wayne County, the "U.S. Navy HM3 Roy Elmer 'Doody' Moon Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Navy HM3 Roy Elmer 'Doody' Moon Bridge"; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senator Maynard offered the following resolution:

**Senate Concurrent Resolution 32**—Requesting the Division of Highways name bridge number 50-152-5.70 (50A112), locally known as Missouri Branch Beam Span, carrying Route

152 over the West Fork of Twelvepole Creek in Wayne County, the "Curtis 'Pap' and Millie 'Mammie' Asbury Memorial Bridge".

Whereas, Curtis Asbury was born on September 24, 1917, in Wayne, West Virginia, and his devoted wife, Millie Ferguson, was born on April 24, 1924. They were married in 1939; and

Whereas, Curtis and Millie Asbury established, owned, and operated Asbury's Grocery, located at the entrance to Cabwaylingo Park Road for 52 years. The grocery store became a vital resource for community members. For five decades, the store not only provided necessary food and other goods but, was also a meeting place for community members to gather and discuss everything from politics to family life. The bus stop was outside and when the school children would go inside the store they would be met with a smile, a hug, and a piece of fruit or candy; and

Whereas, Almost every person in the community of Dunlow, West Virginia, has been touched by Curtis and Millie Asbury's kindness and generosity. The love they both had for their community was displayed by their hardworking, gentle, and giving spirits. They were devoted to making their small community a better place to live by always extending a helping hand, providing jobs, caring for the elderly, and encouraging and guiding the youth. They helped develop and organize their area by creating local churches, directing Sunday school classes, and working to fulfill the needs of the entire community. They treated everyone as their own family and were lovingly referred to as everyone's "Mammie" and "Pap"; and

Whereas, It is fitting that an enduring memorial be established to commemorate Curtis and Millie Asbury and their contributions to their community and our state; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 50-152-5.70 (50A112), locally known as Missouri Branch Beam Span, carrying Route 152 over the West Fork of Twelvepole Creek, in Wayne County, the "Curtis 'Pap' and Mille 'Mammie' Asbury Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Curtis 'Pap' and Mille 'Mammie' Asbury Memorial Bridge"; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Sypolt and Smith offered the following resolution:

**Senate Resolution 17**—Designating February 3, 2022, as Preston County Day at the Legislature.

Whereas, Preston County is rich in agricultural heritage; and

Whereas, Preston County's agriculture contributes to its economic; and

Whereas, West Virginia leads the nation in both the percent of family and small farms; and

Whereas, Preston County leads the state in the number of farms, fifth in the amount of farm acreage, and first in total cropland; and

Whereas, The agricultural producers in Preston County are in the top five counties in West Virginia in other hay tons produced (2), corn for grain bushels produced (2), maple syrup (2), and cattle (5); and

Whereas, The West Virginia Department of Agriculture launched the statewide Farm-to-School Initiative at Preston High School; and

Whereas, The citizens of Preston County are proud to be agricultural leaders in the state; and

Whereas, The citizens of Preston County travel to the state capitol on an annual basis during the legislative session to share their heritage and participate in the democratic process. This includes sharing their accomplishments, aspirations, and concerns with lawmakers; and

Whereas, It is fitting to recognize Preston County for its history, culture, economy, and future development in the State of West Virginia; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 3, 2022, as Preston County Day at the Legislature; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Preston County.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 27**, US Army TSGT Harold William Schmidle 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 28**, US Army PVT Garland Lee Loudermilk 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 Resolution 16**, Designating February 2, 2022, Jan Lilly-Stewart Disability Advocacy Day.

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

At the request of Senator Roberts, 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 138**, Relating to Board of Medicine composition.

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 (by proxy), Smith (by proxy), 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. Com. Sub. for S. B. 138) 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 227**, Requiring county boards of education and county superintendents to comply with instructions of State Board of Education.

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

Pending discussion,

Senator Takubo requested unanimous consent that the bill lie over one day, retaining its place on the calendar.

Which consent was not granted, Senator Woelfel objecting.

Thereafter, at the request of Senator Takubo, any by unanimous consent, Senator Takbuo's aforestated request was withdrawn.

The question now being "Shall Engrossed Committee Substitute for Senate Bill 227 pass?"

Pending discussion,

Senator Weld arose to a point of order stating debate was out of order at this time as there was no question before the body.

Which point of order, the President ruled not well taken, stating Senator Roberts agreed to yield to Senator Woelfel's questions and the discussion on the passage of the bill was in order.

Pending discussion,

On motion of Senator Takubo, the bill (Eng. Com. Sub. for S. B. 227) was laid over one day, retaining its place on the calendar.

**Eng. Com. Sub. for Senate Bill 267**, Relating to transportation of students in county board owned and insured vehicles.

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 referred to the Committee on Rules.

**Eng. Senate Bill 492**, Relating to electronic collection of tolls.

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

The nays were: Martin—1.

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

The nays were: Martin—1.

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. 492) 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.

**Eng. Com. Sub. for House Bill 4067**, To make certain agency reports electronic or eliminating certain agency reports altogether.

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

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

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

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE, AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.**

**ARTICLE 11B. PREGNANT WORKERS FAIRNESS ACT.**

**§5-11B-7. Reports.**

The Commission shall annually on October 1 of each year report to the Joint Committee on Government and Finance on the number of complaints filed under this article during the previous year and their resolution. The report shall be transmitted to the members of the committee electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, a member shall be provided a hard copy upon request.

**CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.**

**ARTICLE 6C. WEST VIRGINIA CYBER INCIDENT REPORTING.**

**§5A-6C-4. Cybersecurity Office annual report.**

(a) On or before December 31 of each year, and when requested by the Legislature, the Cybersecurity Office shall provide a report to the Joint Committee on Government and Finance containing the number and nature of incidents reported to it during the preceding calendar year. The report shall be transmitted to the members of the committee electronically and shall be sent to the legislative librarian to be posted on the legislative website. No hard copy of the report shall be issued; however, a member shall be provided a hard copy upon request.

(b) The Cybersecurity Office shall also make recommendations, if any, on security standards or mitigation that should be adopted.

**CHAPTER 8. MUNICIPAL CORPORATIONS.**

**ARTICLE 13C. MUNICIPAL TAX IN LIEU OF BUSINESS AND OCCUPATION TAX; AND MUNICIPAL TAXES APPLICABLE TO PENSION FUNDS; ADDITIONAL AUTHORITIES RELATING TO PENSIONS AND BOND ISSUANCE.**

**§8-13C-13. Study.**

[Repealed.]

**CHAPTER 12. PUBLIC MONEYS AND SECURITIES.**

**ARTICLE 7. JOBS INVESTMENT TRUST FUND.**

**§12-7-12. Reports of board; report of housing development fund.**

(a) The board shall prepare annually, or more frequently if deemed necessary by the board, a report of its operations and the performance of the various investments administered by it. A copy thereof shall be furnished to the Governor, the President of the Senate, the Speaker of the House of Delegates, the Legislative Auditor and, upon request, to any legislative committee. Such report shall be kept available for inspection by any citizen of this state.



(b) The West Virginia housing development fund shall prepare annually and submit to the ~~president~~ President of the Senate, the ~~speaker~~ Speaker of the House of Delegates, the Legislative Auditor and, upon request, any legislative committee, a report on the performance of the board and the quality of its investments for the preceding year.

(c) The report shall be transmitted to the President of the Senate, the Speaker of the House of Delegates, the Legislative Auditor and, upon request, any legislative committee electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

## CHAPTER 14. CLAIMS DUE AND AGAINST THE STATE.

### ARTICLE 2A. COMPENSATION AWARDS TO VICTIMS OF CRIMES.

#### §14-2A-21. Annual report of West Virginia Legislative Claims Commission.

The West Virginia Legislative Claims Commission shall prepare and transmit annually to the Governor and the Legislature a report of the activities of the West Virginia Legislative Claims Commission under this article. The report shall include the number of claims filed, the number of awards made, ~~and~~ the amount of each award, and a statistical summary of claims and awards made and denied; the balance in the Crime Victims Compensation Fund with a listing by source and amount of the moneys that have been deposited in the fund; the amount that has been withdrawn from the fund, including separate listings of the administrative costs incurred by the West Virginia Legislative Claims Commission, compensation of commissioners and commission personnel, and the amount awarded as attorneys' fees. The report shall be transmitted to the Governor and members of the Legislature electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

## CHAPTER 16. PUBLIC HEALTH.

### ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

#### §16-1-21. Creation of Diabetes Action Plan.

[Repealed]

### ARTICLE 33. BREAST AND CERVICAL CANCER PREVENTION AND CONTROL ACT.

#### §16-33-6. Annual report.

The director shall submit an annual report to the Governor and the Legislature concerning the operation of the breast and cervical cancer detection and education program including available data and assessment. Such report shall also include any recommendations for additional action to respond to the high incidence of breast and cervical cancer in this state. The report shall be transmitted to Governor and members of the Legislature electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

### ARTICLE 41. ORAL HEALTH IMPROVEMENT ACT.

**§16-41-6. Reporting requirements.**

[Repealed.]

**CHAPTER 18. EDUCATION.****ARTICLE 10L. RON YOST PERSONAL ASSISTANCE SERVICES ACT.****§18-10L-7. Report.**

[Repealed.]

**CHAPTER 22A. MINERS' HEALTH, SAFETY AND TRAINING.****ARTICLE 6. BOARD OF COAL MINE HEALTH AND SAFETY.****§22A-6-11. Study of methane detecting shut off devices.**

[Repealed.]

**§22A-6-12. Study of whistleblower protections.**

[Repealed.]

**§22A-6-13. Study of ingress and egress to bleeder and gob areas of longwall panels and pillar.**

[Repealed.]

**CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.****ARTICLE 6. CIVIL SERVICE SYSTEM.****§29-6-7a. Report on a centralized personnel system.**

[Repealed.]

**CHAPTER 31. CORPORATIONS.****ARTICLE 15A. WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT COUNCIL.****§31-15A-17b. Infrastructure lottery revenue bonds for watershed compliance projects.**

(a)(1) The Chesapeake Bay has been identified as an impaired water body due to excessive nutrients entering the bay from various sources in six states, including wastewater facilities in West Virginia. To restore the Chesapeake Bay, the states have agreed to reduce their respective nutrient contributions to the Chesapeake Bay.

(2) The Greenbrier River Watershed in southeastern West Virginia which encompasses approximately 1,646 square miles, the majority of which lies within Pocahontas, Greenbrier, Monroe, and Summers counties, has been identified as an impaired water body due to excessive levels of fecal coliform and phosphorus entering the watershed from various sources, including

wastewater facilities in West Virginia. To restore the Greenbrier River Watershed, the state agrees to reduce the fecal coliform and phosphorus contributions to the Greenbrier River Watershed.

(b) Notwithstanding any other provision of this code to the contrary, the Water Development Authority may issue, in accordance with the provisions of §31-15A-17 of this code, infrastructure lottery revenue bonds payable from the West Virginia Infrastructure Lottery Revenue Debt Service Fund created by §31-15A-9 of this code and such other sources as may be legally pledged for such purposes other than the West Virginia Infrastructure Revenue Debt Service Fund created by §31-15A-17 of this code.

(c) The council shall direct the Water Development Authority to issue bonds in one or more series when it has approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed compliance projects with an authorized permitted flow of 400,000 gallons per day or more. The proceeds of the bonds shall be used solely to pay costs of issuance, fund a debt service reserve account, capitalize interest, pay for security instruments necessary to market the bonds, and to make grants to governmental instrumentalities of the state for the construction of approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed compliance projects. To the extent funds are available in the West Virginia Infrastructure Lottery Revenue Debt Service Fund that are not needed for debt service, the council may direct the Water Development Authority to make grants to project sponsors for the design or construction of approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed compliance projects: *Provided*, That the council shall direct the Water Development Authority to provide from moneys in the Lottery Revenue Debt Service Fund not needed to pay debt service in fiscal year 2013, a grant of \$6 million to a Chesapeake Bay watershed compliance project which opened bids on December 28, 2011, and further provided that such Chesapeake Bay watershed compliance project shall receive no further grant funding under this section after receipt of the \$6 million grant.

(d) No later than June 30, 2012, each publicly owned facility with an authorized permitted flow of 400,000 gallons per day or more that is subject to meeting Chesapeake Bay compliance standards or Greenbrier River watershed compliance standards shall submit to the council a 10-year projected capital funding plan for Chesapeake Bay watershed compliance projects or Greenbrier River watershed compliance projects, as the case may be, including a general project description, cost estimate, and estimated or actual project start date and project completion date, if any. The council shall timely review the submitted capital funding plans and forward approved plans to the Water Development Authority for further processing and implementation pursuant to this article. If the council finds a plan to be incomplete, inadequate, or otherwise problematic, it shall return the plan to the applicant with comment on the plan shortcomings. The applicant may then resubmit to council an amended capital funding plan for further consideration pursuant to the terms of this subsection.

(e) Upon approval, each proposed Chesapeake Bay watershed compliance project or Greenbrier River watershed compliance project, or portion of a larger project, which portion is dedicated to compliance with nutrient standards, or fecal coliform and phosphorus standards, established for the protection and restoration of the Chesapeake Bay or the Greenbrier River watershed, as the case may be, shall be eligible for grant funding by funds generated by the infrastructure lottery revenue bonds described in subsection (b) of this section. At the request of the applicant, the remaining percentage of project funding not otherwise funded by grant under the provisions of this article may be reviewed as a standard project funding application.

~~(f) No later than December 1, 2012, the Water Development Authority shall report to the Joint Committee on Government and Finance the total cost of Chesapeake Bay watershed compliance projects and the Greenbrier River watershed compliance projects and the proposed grant awards for each eligible project. From the proceeds of bonds issued under subsection (b) of this section, the council shall direct the Water Development Authority to make grants to eligible projects ready to proceed to construction and those grant awards shall be pro-rated to an equal percentage of total eligible costs among all applicants for each eligible project as certified by the Water Development Authority in its report to the Joint Committee on Government and Finance dated November 26, 2012: *Provided*, That the final project, and its financing, is consistent with the scope of the eligible project included in the council's approval on December 5, 2012~~

~~(g)~~ (f) Eligible projects that have obtained project financing prior to December 31, 2012, may apply to the council for funding under the provisions of this section. These applications shall be processed and considered as all other eligible projects, and a grant funding awarded shall, to the extent allowed by law, be dedicated to prepay all or a portion of debt previously incurred by governmental instrumentalities of the state for required Chesapeake Bay nutrient removal projects or Greenbrier River watershed fecal coliform and phosphorus removal projects, subject to the bond covenants and contractual obligations of the borrowing governmental entity. However, any private portion of funding provided by agreement between a political subdivision and one or more private entities, either by direct capital investment or debt service obligation, shall not be eligible for grant funding under the provisions of this article.

#### **ARTICLE 18. WEST VIRGINIA HOUSING DEVELOPMENT FUND.**

##### **§31-18-24. Annual audit; reports to Joint Committee on Government and Finance; information to joint committee or legislative auditor.**

The Housing Development Fund shall cause an annual audit to be made by an independent certified public accountant of its books, accounts, and records, with respect to its receipts, disbursements, contracts, mortgages, leases, assignments, loans, and all other matters relating to its financial operations, including those of the Operating Loan Fund, the Land Development Fund, and the Mortgage Finance Bond Insurance Fund. The person performing such audit shall furnish copies of the audit report to the commissioner of finance and administration, where they shall be placed on file and made available for inspection by the general public. The person performing such audit shall also furnish copies of the audit report to the Speaker of the House of Delegates, the President of the Senate, and the majority and minority leaders of both houses. The audit report shall be transmitted to the Speaker of the House of Delegates, the President of the Senate, and the majority and minority leaders of both houses of the Legislature electronically. Further, the report shall be provided to the legislative librarian to be posted to the legislative website. No hard copy of the audit report shall be issued; however, upon request a hard copy shall be provided.

In addition to the foregoing annual audit report, the Housing Development Fund shall also render every six months to the Joint Committee on Government and Finance a report setting forth in detail a complete analysis of the activities, indebtedness, receipts, and financial affairs of such fund and the Operating Loan Fund, the Land Development Fund, Affordable Housing Fund, and the Mortgage Finance Bond Insurance Fund. Upon demand, the Housing Development Fund shall also submit to the Joint Committee on Government and Finance or the Legislative Auditor any other information requested by such committee or the Legislative Auditor. The report shall be available electronically only, and no hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

**CHAPTER 33. INSURANCE.****ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.****§33-25A-35. Rural health maintenance organizations.**

[Repealed.]

The bill (Eng. Com. Sub. for H. B. 4067), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

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

**Com. Sub. for Senate Bill 7**, Relating to damages for medical monitoring.

And,

**Com. Sub. for Senate Bill 481**, Relating to Adopt-A-Stream Program.

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

The Senate next proceeded to the twelfth order of business.

Remarks were made by Senators Roberts and Grady.

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

Remarks were made and prayer was offered by Senator Baldwin.

Remarks were then made by Senators Tarr and Stollings.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Tarr and Stollings 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 and resolution on February 1, 2022:

**Senate Bill 181**: Senator Phillips;

**Senate Bill 513**: Senator Karnes;

And,

**Senate Joint Resolution 1**: Senator Woelfel.

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 1, 2022:

**Senate Bill 3:** Senators Nelson and Martin;

**Senate Bill 181:** Senator Weld;

**Senate Bill 184:** Senator Plymale;

**Senate Bill 216:** Senator Roberts;

**Senate Bill 247:** Senator Plymale;

**Senate Bill 416:** Senator Tarr;

**Senate Bill 432:** Senators Jeffries, Takubo, and Swope;

**Senate Bill 458:** Senator Hamilton;

**Senate Bill 463:** Senators Tarr and Roberts;

**Senate Bill 481:** Senator Hamilton;

**Senate Bill 484:** Senator Martin;

**Senate Bill 488:** Senator Beach;

**Senate Bill 493:** Senator Martin;

**Senate Bill 499:** Senators Plymale and Stollings;

**Senate Bill 512:** Senator Plymale;

**Senate Bill 513:** Senator Plymale;

**Senate Bill 532:** Senators Stollings, Jeffries, Phillips, and Plymale;

**Senate Bill 533:** Senator Baldwin;

**Senate Bill 540:** Senators Woodrum, Jeffries, Lindsay, and Phillips;

**Senate Bill 542:** Senators Roberts and Plymale;

**Senate Bill 543:** Senators Woodrum and Baldwin;

**Senate Bill 549:** Senator Phillips;

**Senate Concurrent Resolution 21:** Senator Tarr;

**Senate Concurrent Resolution 27:** Senator Jeffries;

**Senate Concurrent Resolution 28:** Senators Jeffries, Smith, and Stollings;

And,

**Senate Resolution 16:** Senator Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12 Noon, the Senate adjourned until tomorrow, Thursday, February 3, 2022, at 11 a.m.

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## **SENATE CALENDAR**

**Thursday, February 03, 2022  
11:00 AM**

### **UNFINISHED BUSINESS**

- Com. Sub. for S. C. R. 17 - US Air Force SSGT Logan A. Young Memorial Bridge
- S. C. R. 21 - Putnam County Veterans Memorial Bridge
- S. C. R. 23 - USMC CPL Guy Maywood Edwards Memorial Bridge
- S. C. R. 29 - Nitro WW I Memorial Bridge
- S. C. R. 30 - McClintic Family Bridge
- S. C. R. 31 - US Navy HM3 Roy Elmer "Doody" Moon Bridge
- S. C. R. 32 - Curtis "Pap" and Millie "Mammie" Asbury Memorial Bridge
- S. R. 4 - Urging US Army Corps of Engineers study clean energy production at Summersville dam
- S. R. 17 - Designating February 3, 2022, as Preston County Day

### **THIRD READING**

- Eng. Com. Sub. for S. B. 227 - Requiring county boards of education and county superintendents to comply with instructions of State Board of Education
- Eng. Com. Sub. for H. B. 4067 - To make certain agency reports electronic or eliminating certain agency reports altogether - (Com. title amend. pending)

### **SECOND READING**

- Com. Sub. for S. B. 7 - Relating to damages for medical monitoring
- Com. Sub. for S. B. 481 - Relating to Adopt-A-Stream Program

### **FIRST READING**

- Com. Sub. for S. B. 2 - Relating to unemployment benefits program (original similar to HB4009)
- Com. Sub. for S. B. 3 - Requiring work search activities to qualify for unemployment benefits (original similar to HB4018)
- Com. Sub. for S. B. 231 - Relating generally to broadband connectivity
- Com. Sub. for Com. Sub. for S. B. 264 - Relating to conservation districts law of WV (original similar to HB4302)
- S. B. 493 - Requiring county BOE make meetings available to public in-person and through internet

S. B. 499 - Authorizing legislative rules for School Building Authority

Eng. H. B. 2325 - Removing the requirement of continuing education for barbers and cosmetologists

Eng. Com. Sub. for H. B. 4062 - Removing the residency requirement for the Commissioner of the Division of Highways

Eng. H. B. 4301 - Reforming membership requirements of Huntington Park and Recreation District Board - (Com. amend. and title amend. pending)

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2022**

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**Thursday, February 3, 2022**

9:30 a.m.

Finance

(Room 451M)

