

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Tuesday, February 8, 2022

The Senate met at 11:01 a.m.

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

Prayer was offered by Pastor Bo Burgess, Jordan Baptist Church, Gallipolis Ferry, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael J. Romano, a senator from the twelfth district.

Pending the reading of the Journal of Monday, February 7, 2022,

At the request of Senator Jeffries, 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.

At the request of Senator Takubo, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant Brad D. Smith, President of Marshall University, and the Marshall University delegation privileges of the floor for the day.

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

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

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. Com. Sub. for Senate Bill 449, Relating to Nonviolent Offense Parole Program.

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 4003—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-2-10, relating generally to the ownership and commercial benefit of substances removed from waters of the state by the treatment of mine drainage; restating public policies concerning the maintenance of reasonable standards of purity and quality of the waters of the state consistent with public health and the protection of all forms of life; providing for legislative findings, intent, and purpose, including that treatment of mine drainage reduces environmental harm by reducing toxic substances and pollution in the waters of the state, that such treatment may produce valuable concentrations of materials which may be utilized for commercial gain, and that said materials are part of the water; stating the legislative intent of fulfilling the state's obligations to maintain reasonable standards of purity and quality of the waters of the state by encouraging investments into the treatment of mine drainage; providing that all chemical compounds, elements, and other potentially toxic materials found within the waters of this state and derived from the treatment of mine drainage which have economic value may be used, sold, or transferred by the Department of Environmental Protection or its designee for commercial gain and benefit; providing that all funds received by said department shall be deposited and used at the discretion of the secretary into already established environmental funds; providing that all chemical compounds, elements, and other potentially toxic materials found within the waters of this state and derived from the treatment of mine drainage which have economic value may be used, sold, or transferred by any party who successfully removes the same from the waters of this state for commercial gain and benefit; and providing a severability clause.

Referred to the Committee on Energy, Industry, and Mining.

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 4111—A Bill to amend and reenact §30-3E-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-7-15a of said code, all relating to clarifying prescriptive authority of physicians assistants and registered professional nurses.

Referred to the Committee on Health and Human Resources; and then 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. House Bill 4296—A Bill to repeal §23-1-1c, §23-1-1d, §23-1-1e, §23-1-1g, §23-1-3, §23-1-4a, §23-1-6, §23-1-7, and §23-1-20 of the Code of West Virginia, 1931, as amended; to repeal §23-2-1b, §23-2-4, §23-2-5c, §23-2-5d, §23-2-14, §23-2-15, and §23-2-16 of said code; to repeal §23-2B-1, §23-2B-2, and §23-2B-3 of said code; to repeal §23-2C-3a, §23-2C-4, §23-2C-11, §23-2C-13, §23-2C-14, §23-2C-23, and §23-2C-24 of said code; to repeal §23-2D-1, §23-2D-2, §23-2D-3, §23-2D-4, §23-2D-5, §23-2D-5a, §23-2D-6, §23-2D-7, §23-2D-8, §23-2D-9, and

§23-2D-10 of said code; to repeal §23-3-1, §23-3-1a, §23-3-2, §23-3-3, §23-3-4, §23-3-5, and §23-3-6 of said code; to repeal §23-4A-2, §23-4A-3, §23-4A-4, §23-4A-5, §23-4A-6, §23-4A-8, and §23-4A-9 of said code; to repeal §23-4B-6, §23-4B-8, §23-4B-8a, and §23-4B-8b of said code; to repeal §23-4C-1, §23-4C-2, §23-4C-3, §23-4C-4, §23-4C-5, and §23-4C-6 of said code; to amend and reenact §23-1-1, §23-1-1b, §23-1-1f, §23-1-2, §23-1-4, §23-1-5, §23-1-8, §23-1-9, §23-1-10, §23-1-11, §23-1-12, §23-1-13, §23-1-14, §23-1-15, §23-1-18, and §23-1-19 of said code; to amend said code by adding thereto a new section, designated §23-1-21; to amend and reenact §23-2-1, §23-2-1c, §23-2-1d, §23-2-2, §23-2-3, §23-2-5, §23-2-5a, §23-2-6, §23-2-7, §23-2-8, §23-2-9, §23-2-11, §23-2-13, and §23-2-17 of said code; to amend and reenact §23-2A-1 of said code; to amend and reenact §23-2C-1, §23-2C-2, §23-2C-3, §23-2C-6, §23-2C-7, §23-2C-8, §23-2C-12, §23-2C-15, §23-2C-16, §23-2C-18, §23-2C-19, §23-2C-20, and §23-2C-21 of said code; to amend and reenact §23-4A-1 of said code; and to amend and reenact §23-4B-2, §23-4B-4, §23-4B-5, §23-4B-7, and §23-4B-9 of said code, all relating to modernizing and updating workers' compensation statutes; removing or revising provisions made obsolete by legislation and regulatory revisions in 2005 and 2006; standardizing references to public offices or agencies; updating statutory citations; and making spelling and grammatical changes throughout.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 25, Updating provisions of Medical Professional Liability Act.

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

Com. Sub. for Senate Bill 25 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §55-7B-2, §55-7B-4, and §55-7B-6 of the Code of West Virginia, 1931, as amended, all relating to the prerequisites for filing suit against a health care provider under the Medical Professional Liability Act; updating the definitions of "injury" and "medical injury"; clarifying time limitations for bringing a cause of action for medical injury as a result of alleged medical professional liability against a health care provider; modifying time frame for providing a statement of intent to provide a screening certificate of merit in certain actions under the Medical Professional Liability Act; and updating the tolling of the statute of limitations applicable in certain actions under the Medical Professional Liability Act.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Banking and Insurance has had under consideration

Senate Bill 438, Relating generally to WV Security for Public Deposits Act.

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

Com. Sub. for Senate Bill 438 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §12-1-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §12-1B-1, §12-1B-2, §12-1B-3, §12-1B-4, §12-1B-5, §12-1B-6, §12-1B-7, §12-1B-8, §12-1B-9, §12-1B-10, §12-1B-11, §12-1B-12, §12-1B-13, and §12-1B-14; all relating generally to the West Virginia Security for Public Deposits Act; requiring rule-making by the State Treasurer and authorizing emergency rules related to securing public deposits; providing a short title; providing legislative findings; specifying the act's applicability; defining terms; establishing the West Virginia Security for Public Deposits Program and requiring the program be operable by a certain date; establishing the Treasurer's Collateral Administration Fund as a special revenue account in the State Treasury and requirements for said fund; establishing powers and duties of the State Treasurer with regard to the West Virginia Security for Public Deposits Program; requiring rule-making by the State Treasurer and authorizing emergency rules related to the program; authorizing administrative fees, fines, penalties, and service charges; authorizing designated state depositories to secure public deposits pursuant to the act; clarifying that designated state depositories securing public deposits under the act are not required to secure deposits by other methods; establishing the duties of designated state depositories securing deposits pursuant to the act; allowing designated state depositories to secure public deposits through a pooled method; subrogating the State Treasurer to certain claims of a depositor and requiring distribution of assets; requiring that deposits of public funds pursuant to the act be made in designated state depositories; authorizing public depositories to make public deposits; limiting liability of public depositories in certain circumstances; setting forth reporting requirements for designated state depositories; and clarifying that the act controls over inconsistent provisions of state or local law.

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,

Michael T. Azinger,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Banking and Insurance.

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

Your Committee on Banking and Insurance has had under consideration

Senate Bill 505, Updating laws on licensure and regulation of money transmitters.

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

Com. Sub. for Senate Bill 505 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §32A-2-1, §32A-2-2, §32A-2-3, §32A-2-4, §32A-2-8, §32A-2-10, §32A-2-11, §32A-2-13, §32A-2-24, and §32A-2-25 of the Code of West Virginia, as amended; and to amend said code by adding two new sections thereto, designated §32A-2-8a and §32A-2-8b, all relating to the licensure and regulation of money transmitters; updating definitions; eliminating outdated provisions; clarifying the financial institution exemption; permitting the Commissioner of Financial Institutions to participate in the multistate licensing and examination process and to conduct examinations; updating net worth requirements to use a sliding scale; providing information requirements for a change in control and updating the change in control process; specifying requirements for individuals in control of a licensee or applicant; requiring permissible investments to match outstanding obligations; and updating the due process procedure to eliminate the two-step process for revocations and suspensions while preserving the order and hearing requirement.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael T. Azinger,
Chair.

Senator Phillips, 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 506, Authorizing manufacturing investment tax credit and property tax adjustment credit against personal income tax.

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

Com. Sub. for Senate Bill 506 (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §11-13S-4 and §11-13Y-5 of the Code of West Virginia, 1931, as amended, all relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; defining terms; deleting superannuated language; specifying application of tax credit; specifying effective date; and making stylistic revisions.

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,

Rupie Phillips,
Vice Chair.

The bill (Com. Sub. for S. B. 506), under the original double committee reference, was 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 515, Supplementing and amending appropriations of public moneys to Department of Administration, Public Defender Services.

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

Com. Sub. for Senate Bill 515 (originating in the Committee on Finance)—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2022, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 517, Expiring funds from unappropriated balance in State Excess Lottery Revenue Fund.

And,

Senate Bill 525, Expiring funds from unappropriated balance in Lottery Net Profits.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 520, Increasing financial penalties for ransomware attacks.

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

Com. Sub. for Senate Bill 520 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-3C-8 of the Code of West Virginia, 1931, as amended, relating to creating the felony offense of disrupting or degrading, causing the disruption or degradation, or threatening

the disruption or degradation of computer services of another with the intent to obtain money or any other thing of value; and establishing criminal penalties.

With the recommendation that the committee substitute 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 543, Creating Unemployment Compensation Insurance Fraud Unit within Workforce WV.

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

Com. Sub. for Senate Bill 543 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21A-10-23, relating to authorizing the Commissioner of Workforce West Virginia to create an unemployment compensation insurance fraud unit; establishing training and experience requirements; specifying duties; granting certain authorities necessary to conduct investigations into alleged unemployment insurance fraud; authorizing certain personnel to operate a state vehicle and carry a firearm; establishing training requirements for carrying a firearm; and exempting the unemployment compensation fraud unit from the requirements of the Freedom of Information Act and the Open Government Proceedings Act.

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,

Charles S. Trump IV,
Chair.

The bill (Com. Sub. for S. B. 543), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Natural Resources has had under consideration

Eng. House Bill 2631, Provide for WVDNR officers to be able to work "off duty".

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

Respectfully submitted,

Bill Hamilton,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

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 Maynard, Phillips, Roberts, and Tarr:

Senate Bill 592—A Bill to amend and reenact §46A-7-111 of the Code of West Virginia, 1931, as amended, relating to consumer credit and protection; clarifying the period for which the Attorney General may seek a civil penalty for violations of the Consumer Credit and Protection Act.

Referred to the Committee on the Judiciary.

By Senator Plymale:

Senate Bill 593—A Bill to amend and reenact §15-2B-3 of the Code of West Virginia, 1931, as amended, relating to expanding the definition of "criminal justice agency" to include the Forensic Analysis Laboratory at Marshall University for access and participation in the West Virginia DNA database for certain specified purposes.

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

By Senator Lindsay:

Senate Bill 594—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-56, relating to establishing a class of employees within the West Virginia Public Employees Retirement System consisting of 911 staff; and providing for lower retirement age and increased pension payments.

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

By Senator Trump:

Senate Bill 595—A Bill to amend and reenact §27-6A-13 of the Code of West Virginia, 1931, as amended, relating to the Dangerousness Assessment Review Board; barring the subpoenaing of board members to testify in proceedings about which the board issues advice, guidance, or opinion; requiring in lieu of testifying that the board provides copies of all documents and materials used in providing its advice, grievance, or opinion upon request of the circuit court; exempting board proceedings from the provisions of §6-9A-1, *et seq.* of this code; and clarifying that the board is not subject to the provisions of §29B-1-1 *et seq.*

Referred to the Committee on the Judiciary.

By Senator Nelson:

Senate Bill 596—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-80; and to amend said code by adding thereto a new

section, designated §11-24-27, all relating to exempting capital gains from personal and corporate taxation.

Referred to the Committee on Finance.

By Senator Nelson:

Senate Bill 597—A Bill to amend and reenact §24C-1-2 of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission underground facilities damage prevention and one-call system; and clarifying the definition of "excavate" or "excavation".

Referred to the Committee on Economic Development.

Senators Romano and Martin offered the following resolution:

Senate Concurrent Resolution 43—Requesting the Division of Highways name bridge number 17-050/00-014.25 (17A195), (39.28950,-80.35136), locally known as ADAMSTON BRIDGE, carrying APD 50 over WEST FORK RIVER in Harrison County, the " Seaman 1st Class Paul McCue Bridge".

Whereas, Paul McCue enlisted in the Navy, at the age of sixteen, so he could serve his country during WWII. After graduating from amphibious assault training which, he explains, helped him fight "more like a Marine than a sailor," Seaman 1st Class Paul McCue was assigned to a Landing Ship Tank (LST). He was on watch near the Philippine Islands preparing for an assault landing when a torpedo slammed into one of the destroyer escorts, the USS Renshaw, which had sped up to protect McCue's LST, thus sparing the lives of the soldiers on board the LST, but killing 19 men on board the Renshaw, a tragedy which haunted him throughout his life. Seaman 1st Class Paul McCue and the rest of the crew on the USS LST 719 continued fighting throughout the Asiatic-Pacific Theater. They participated in the assault landing on Palawan Island in March of 1945 and on Visayan Island in April and May of 1945 to help capture and consolidate the islands in the Southern Philippines and construct must needed airstrips necessary for victory in the Pacific; and

Whereas, Seaman 1st Class Paul McCue earned seven medals, plus multiple ribbons, and awards, including the Combat Commemoration Medal and a Presidential Citation from the Philippine government. Seaman 1st Class Paul McCue has demonstrated the same bravery and dedication after the war, serving as a constable and deputy sheriff, despite organized crime placing a bounty on his head; and

Whereas, Throughout his public service career, Seaman 1st Class Paul McCue monitored scanners and self-dispatched to help assist other law enforcement with criminal arrests and investigations, and fearlessly helped save the life of injured Philippi Patrolman McCauley on one such occasion; and

Whereas, Seaman 1st Class Paul McCue has received a commendation from U.S. Senator Joe Manchin for his role in WWII, as well as his post-war efforts to educate West Virginia's youth about patriotism and the forgotten role of a heroic group of African American soldiers, who were massacred by Nazi SS officers in Wereth, Belgium; and

Whereas, It is fitting that an enduring memorial be established to commemorate Seaman 1st Class Paul McCue 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 17-050/00-014.25 (17A195), (39.28950, -80.35136), locally known as ADAMSTON BRIDGE, carrying APD 50 over WEST FORK RIVER in Harrison County, the "Seaman 1st Class Paul McCue 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 "Seaman 1st Class Paul McCue 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 and to forward a copy to Seaman 1st Class Paul McCue.

Which, under the rules, lies over one day.

Senator Blair (Mr. President) offered the following resolution:

Senate Resolution 22—Commemorating the historic occasion of the 250th anniversary of the founding of Berkeley County, West Virginia.

Whereas, On August 5, 1863, the West Virginia Legislature voted to officially admit Berkeley County to the new state after its citizens voted to join The Mountain State earlier that year; and

Whereas, By its admission, Berkeley County became West Virginia's second oldest county, having been created on May 15, 1772; and

Whereas, Berkeley County's beginnings date to the 1720s with the settlement of Morgan Morgan and it continues to be a destination for new residents and visitors alike; and

Whereas, Berkeley County has continued to be a county of proud American pioneers in the decades since while serving as an eastern gateway and economic engine for West Virginia; and

Whereas, In recognition of Berkeley's 250th anniversary, citizenry have come together to organize a series of events to celebrate the many unique chapters of county history, to recognize the many accomplishments of its people and to beautify the county; and

Whereas, It is appropriate that the West Virginia Senate join in celebrating the many contributions of Berkeley County to the Mountain State's history in the county's 250th year; therefore, be it

Resolved by the Senate:

That the State of West Virginia commemorates the historic occasion of the 250th anniversary of Berkeley County, West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the governing body of Berkeley County.

Which, under the rules, lies over one day.

Senator Baldwin offered the following resolution:

Senate Resolution 23—Recognizing the Youth Leadership Association Youth in Government, and their program's positive impact on providing leadership to the youth of West Virginia.

Whereas, The Youth Leadership Association, formerly known as HI-Y, has partnered with the State of West Virginia for more than one hundred years; and

Whereas, This partnership engages youth in local Youth Leadership Association civic leadership groups, the teen Entrepreneurship and Leadership Summits, as well as the Governor's Youth Opportunity Camps for low-income children at Camp Horseshoe, Youth Leadership Association Model United Nations, and 8th Grade Youth and Government Seminars at the Capitol; and

Whereas, The student officers of the Youth Leadership Association Youth in Government program represent hundreds of young West Virginians preparing for life-long citizenship and taking volunteer actions today to build better futures for all across the Mountain State; and

Whereas, The West Virginia Senate would like to congratulate the following participants for their interest in their state and beliefs: Shane Arthur (James Monroe High School), Chaplain of the Senate; Emma Ballard (James Monroe High School), Clerk of the Senate; Lauren Ballard (James Monroe High School), Governor; Kayla Butler (Point Pleasant High School), Secretary of State; Matison Brown (Point Pleasant High School), Clerk of the House; Colton Gibbs, (Point Pleasant High School), Secretary of Treasury; Matthew Goff (James Monroe High School), Chief Justice; Luke Jackson (James Monroe High School), Speaker of the House; Madison McMillion (James Monroe High School), Associate Justice; Jakobey Meadows (James Monroe High School), Chaplain of the House; Cameron Ross (Lewis County), Secretary of Education; Cameron Thomas (James Monroe High School), Secretary of Health; Madison Vass (James Monroe High School), President of the Senate; therefore, be it

Resolved by the Senate:

That the West Virginia Senate congratulates the Youth Leadership Association Youth in Government and their program's positive impact on providing leadership to the youth of West Virginia.

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Youth Leadership Association Youth in Government West Virginia program.

Which, under the rules, lies over one day.

Senator Baldwin offered the following resolution:

Senate Resolution 24—Recognizing the Greenbrier East High School InvenTeam for its commitment to inventing technological solutions to real world problems.

Whereas, The Lemelson-MIT InvenTeams is a program founded in 1994, that celebrates outstanding inventors and inspires young people to pursue creative lives through invention while instilling well-rounded life capabilities, including self-confidence, communication, and leadership; and

Whereas, The Greenbrier East High School InvenTeam was one of eight teams chosen nationally by Lemelson-MIT InvenTeams to receive a grant of \$10,000 for their proposed invention; and

Whereas, The Greenbrier East High School InvenTeam is tasked with inventing a Digital Junction Tracker for caves that will also act as a tracking device for rescue teams to find spelunkers, and ultimately save lives; and

Whereas, The Greenbrier East High School InvenTeam is comprised of the following students: Gabe Coleman, Amber Conley, Kendra Culyer, Gabe Dowdy, Ian Hamilton, Delaney Hamrick, Cam Little, Jake McGilvray, Ian Morrison, Nate Smith, Cole Snyder, Sam Totten, Evan Vaughan, Evan Vogelsong, Abby Warfield, Olivia Warfield, and Nevaeh Wooding; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the Greenbrier East High School InvenTeam for its commitment to inventing technological solutions to real world problems; and, be it

Further Resolved, That the Senate commends the Greenbrier East High School InvenTeam for its creativity and innovation in accomplishing this outstanding achievement; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Greenbrier East High School InvenTeam.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 36, USMC CPL Harry Edward Dean, Jr., 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 37, Harrison County Veterans Memorial Bridge.

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

Senate Concurrent Resolution 38, Cox Brothers' Veteran 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 39, Walker Brothers' Veteran 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 40, Frye Brothers' 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 41, Henry Preston Hickman 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 42, USMC SSGT Herbert "Herbie" D. Barnes Veteran 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 19, Congratulating Ritchie County High School Rebels football team for winning WV 2021 Class A State Football Championship.

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

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

Senate Resolution 20, Designating February 8, 2022, as Marshall University Day.

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

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

Thereafter, at the request of Senator Woelfel, and by unanimous consent, the remarks by Senator Plymale regarding the adoption of Senate Resolution 20 were ordered printed in the Appendix to the Journal.

Senate Resolution 21, Congratulating Jeff and Janet Allen for winning Conservation Farm of Year Award.

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 2, Relating to unemployment benefits program.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, February 7, 2022, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, and by unanimous consent, further consideration of the bill was deferred until the conclusion of consideration of Engrossed Committee Substitute for Senate Bill 3.

Eng. Com. Sub. for Senate Bill 3, Requiring work search activities to qualify for unemployment benefits.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, February 7, 2022, for amendments to be received on third reading, was reported by the Clerk.

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

On page three, section one-d, after line thirty-four, by inserting a new subdivision, designated subdivision (4), to read as follows:

(4) Provide individualized and daily support and resources to all individuals required to comply with the provisions of this article for a minimum of twelve weeks but a maximum of the duration of his or her unemployment benefits.

Following discussion,

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

The roll being taken, the yeas were: Baldwin, Beach, Brown, Caputo, Geffert, Jeffries, Lindsay, Plymale, Romano, Stollings, and Woelfel—11.

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

Absent: None.

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

On motion of Senator Stollings, the following amendment to the bill (Eng. Com. Sub. for S. B. 3) was next reported by the Clerk:

On page four, section one-d, lines fifty-seven through sixty, by striking out all of subsection (g) and inserting in lieu thereof a new subsection (g), to read as follows:

(g) Individuals receiving unemployment benefits who accept a referral to or otherwise accept non-suitable employment shall continue to receive his or her full weekly benefit rate without a reduction of his or her unemployment benefits or wages while he or she continues to actively seek work and comply with the provisions of this article.

Following discussion,

The question being on the adoption of the amendment offered by Senator Stollings to the bill, and on this question, Senator Caputo demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Brown, Caputo, Geffert, Jeffries, Lindsay, Plymale, Romano, Stollings, and Woelfel—11.

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

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared the amendment offered by Senator Stollings to the bill rejected.

Engrossed Committee Substitute for Senate Bill 3 was then read a third time and put upon its passage.

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 3 pass?"

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

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

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. 3) passed with its title.

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

Action as to Engrossed Committee Substitute for Senate Bill 3 having been concluded, the Senate proceeded to the consideration of

Eng. Com. Sub. for Senate Bill 2, Relating to unemployment benefits program.

On third reading, coming up in deferred order, with the right having been granted on yesterday, Monday, February 7, 2022, for amendments to be received on third reading, was read a third time.

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

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

ARTICLE 2D. UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY ACT.

§21A-2D-2. Unemployment insurance program integrity.

The commissioner shall, on a weekly basis, unless otherwise specified: ~~be required to~~

~~(a)~~ (1) Check the unemployment insurance rolls against the Division of Corrections and Rehabilitation's list of imprisoned individuals to verify eligibility for unemployment benefits and ensure program integrity;

~~(b)~~ (2) Check new hire records against the National Directory of New Hires to verify eligibility for unemployment benefits; ~~and~~

~~(e) (3)~~ Check the unemployment insurance rolls against a commercially available database that provides cross-matching functions to verify eligibility for unemployment benefits;

(4) On a monthly basis, cross-check the unemployment insurance rolls against state death records; and

(5) Verify the identity of unemployment claimants by methods including, but not limited to, verifying the identity of an applicant prior to awarding benefits and requiring multi-factor authentication as part of online applications.

§21A-2D-2a. Automatic claim review.

The commissioner shall perform a full eligibility review of suspicious or potentially improper claims in cases including, but not limited to:

(1) Multiple or duplicative claims filed online originating from the same IP address;

(2) Claims filed online from foreign IP addresses;

(3) Multiple or duplicative claims filed that are associated with the same mailing address; and

(4) Multiple or duplicative claims filed that are associated with the same bank account.

§21A-2D-3. Data sharing.

The commissioner ~~shall have the authority to~~ may execute a memorandum of understanding exchange information with any department, agency, or division ~~for information required to be shared between agencies outlined in this article~~ as necessary to carry out the requirements of this article.

Following discussion,

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

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

The nays were: Azinger, Boley, Clements, Geffert, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—24.

Absent: None.

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

Engrossed Committee Substitute for Senate Bill 2 was then put upon its passage.

Pending discussion,

(Senator Weld in the Chair.)

Pending discussion,

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

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 2 pass?"

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—20.

The nays were: Baldwin, Beach, Brown, Caputo, Geffert, Grady, Hamilton, Jeffries, Lindsay, Plymale, Romano, Stollings, Stover, and Woelfel—14.

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. 2) passed with its title.

Senator Takubo moved that the bill take effect January 1, 2023.

On this question, the yeas were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—25.

The nays were: Baldwin, Beach, Brown, Caputo, Geffert, Jeffries, Lindsay, Romano, and Woelfel—9.

Absent: None.

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. 2) takes effect January 1, 2023.

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

Consideration of Engrossed Committee Substitute for Senate Bill 2 having been concluded,

On motion of Senator Takubo, at 1:42 p.m., the Senate recessed.

The Senate reconvened at 2:06 p.m. and resumed consideration of the remainder of its third reading calendar, the next bill coming up in numerical sequence being

Eng. Com. Sub. for Senate Bill 231, Relating generally to broadband connectivity.

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

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

Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 231) 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 Com. Sub. for Senate Bill 264, Relating to conservation districts law of WV.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 264) passed with its title.

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

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

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, February 7, 2022, for amendments to be received on third reading, was read a third time.

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

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

CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.

ARTICLE 9A. OPEN GOVERNMENTAL PROCEEDINGS.

§6-9A-2. Definitions.

As used in this article:

(1) "Decision" means any determination, action, vote or final disposition of a motion, proposal, resolution, order, ordinance or measure on which a vote of the governing body is required at any meeting at which a quorum is present.

(2) "Emergency meeting" means any meeting called by a governing body for the purpose of addressing an unexpected event which requires immediate attention because it poses:

(A) An imminent threat to public health or safety;

(B) An imminent threat of damage to public or private property; or

(C) An imminent material financial loss or other imminent substantial harm to a public agency, its employees or the members of the public which it serves.

(3) "Executive session" means any meeting or part of a meeting of a governing body which is closed to the public.

(4) "Governing body" means the members of any public agency having the authority to make decisions for or recommendations to a public agency on policy or administration, the membership of a governing body consists of two or more members; for the purposes of this article, a governing body of the Legislature is any standing, select or special committee, except the commission on special investigations, as determined by the rules of the respective houses of the Legislature.

(5) "Meeting" means the convening of a governing body of a public agency for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter which results in an official action. Meetings may be held by telephone conference or other electronic means. The term meeting does not include:

(A) Any meeting for the purpose of making an adjudicatory decision in any quasi-judicial, administrative or Court of Claims proceeding;

(B) Any on-site inspection of any project or program;

(C) Any political party caucus;

(D) General discussions among members of a governing body on issues of interest to the public when held in a planned or unplanned social, educational, training, informal, ceremonial or similar setting, without intent to conduct public business even if a quorum is present and public business is discussed but there is no intention for the discussion to lead to an official action; or

(E) Discussions by members of a governing body on logistical and procedural methods to schedule and regulate a meeting.

(6) "Official action" means action which is taken by virtue of power granted by law, ordinance, policy, rule, or by virtue of the office held.

(7) "Public agency" means any administrative or legislative unit of state, county or municipal government, including any department, division, bureau, office, commission, authority, board, public corporation, section, committee, subcommittee or any other agency or subunit of the foregoing, authorized by law to exercise some portion of executive or legislative power. The term "public agency" does not include courts created by article eight of the West Virginia Constitution

or the system of family law masters created by article four [§§ 48A-4-1 et seq., repealed], chapter forty-eight-a of this code. The term "public agency" does include public charter school as that term is defined by section two, article five-g, chapter eighteen of this code as well as all private, parochial, or church schools which accept any amount of public funding.

(8) "Quorum" means the gathering of a simple majority of the constituent membership of a governing body, unless applicable law provides for varying the required ratio.

(9) "Regular meeting" means a meeting of a governing body at which the regular business of the public is conducted.

(10) "Special meeting" means a meeting of a governing body other than a regular meeting or an emergency meeting.

CHAPTER 18. EDUCATION.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-4. Meetings; employment and assignment of teachers; budget hearing; compensation of members; affiliation with state and national associations.

(a) The county board shall meet upon the dates provided by law, and at any other times the county board fixes upon its records. Subject to adequate public notice, nothing in this section prohibits the county board from conducting regular meetings in facilities within the county other than the county board office. At any meeting as authorized in this section and in compliance with the provisions of chapter 18A of this code, the county board may employ qualified teachers, or those who will qualify by the time they enter upon their duties, necessary to fill existing or anticipated vacancies for the current or next ensuing school year. Meetings of the county board shall be held in compliance with the provisions of chapter 18A of this code for purposes relating to the assignment, transfer, termination, and dismissal of teachers and other school employees.

(b) In addition to any requirements imposed by §6-9A-1 et seq. of this code relating to open governmental proceedings, each county board shall 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. In addition to being available live, each county board also shall ensure that the audio and video is recorded and that the recording is also available through a link on its website. This subsection does not apply to the holding of an executive session pursuant to §6-9A-4 of this code. Each county board may 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, subject to the following:

(1) The county board shall adopt procedures related to delegations and speakers at meetings to ensure delegations and speakers are treated equally; and

(2) For any person expressing an interest in speaking at the meeting, the county board shall ensure that the person has the opportunity to speak in compliance with the adopted procedures.

~~(b)~~ (c) Special meetings may be called by the president or any three members, but no business may be transacted other than that designated in the call.

~~(c)~~ (d) In addition, a public hearing shall be held concerning the preliminary operating budget for the next fiscal year not fewer than 10 days after the budget has been made available to the public for inspection and within a reasonable time prior to the submission of the budget to the state board for approval. Reasonable time shall be granted at the hearing to any person who wishes to speak regarding any part of the budget. Notice of the hearing shall be published as a Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code.

~~(d)~~ (e) A majority of the members of the county board is the quorum necessary for the transaction of official business.

~~(e)~~ (f) Board members may receive compensation at a rate not to exceed \$160 per meeting attended, but they may not receive pay for more than 50 meetings in any one fiscal year. Board members who serve on an administrative council of a multi-county vocational center also may receive compensation for attending up to 12 meetings of the council at the same rate as for meetings of the county board. Meetings of the council are not counted as board meetings for purposes of determining the limit on compensable board meetings.

~~(f)~~ (g) Members also shall be paid, upon the presentation of an itemized sworn statement, for all necessary traveling expenses, including all authorized meetings, incurred on official business, at the order of the county board.

~~(g)~~ (h) When, by a majority vote of its members, a county board considers it a matter of public interest, the county board may join the West Virginia School Board Association and the National School Board Association and may pay the dues prescribed by the associations and approved by action of the respective county boards. Membership dues and actual traveling expenses incurred by board members for attending meetings of the West Virginia School Board Association may be paid by their respective county boards out of funds available to meet actual expenses of the members, but no allowance may be made except upon sworn itemized statements.

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

Which point of order, the President ruled well taken.

Engrossed Senate Bill 493 was then put upon its passage.

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 493) passed with its title.

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

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 493) takes effect July 1, 2022.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 499) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 499) takes effect from passage.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2325) passed with its title.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4062) passed.

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

Eng. Com. Sub. for House Bill 4062—A Bill to amend and reenact §17-2A-2 of the Code of West Virginia, 1931, as amended, relating to modifying the residency requirement for the Commissioner of the Division of Highways.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4301) passed.

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

Eng. House Bill 4301—A Bill to amend and reenact section two, chapter 26, Acts of the Legislature, regular session, 1924 (municipal charters), as last amended by chapter 100, Acts of the Legislature, regular session 2003, relating to election of commissioners to Greater Huntington Park and Recreation District Board; providing for nonpartisan elections; modifying composition of board; modifying timing of elections; providing for number and composition of commissioners to be elected at primary election in 2022; providing for number and composition of commissioners to be elected at primary election in 2024; and providing for number and composition of commissioners to be elected at primary election in 2026.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4301) 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 6, Establishing common law "veil piercing" claims not be used to impose personal liability.

On second 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.

Com. Sub. for Senate Bill 242, Restricting authority to prevent or limit owner's use of natural resources or real property in certain agricultural operations.

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 245, Revising wage payment and collection.

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 445, Modifying police and firemen's pension plans for trustees.

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 472, Relating to access to juvenile records by certain employees of Division of Corrections and Rehabilitation.

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 487, Relating to Revenue Shortfall Reserve Fund and Revenue Shortfall Reserve Fund – Part B.

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 312, Alcohol Beverage Control Commission rule relating to private club licensing.

Com. Sub. for Senate Bill 419, Establishing pilot project to evaluate impact of certain post-substance use disorder residential treatments.

Com. Sub. for Senate Bill 533, Relating to funding for health sciences and medical schools in state.

Senate Bill 540, Allowing municipal fire departments provide retirees with service weapon in certain circumstances.

Senate Bill 546, Expanding uses of fees paid by students at higher education institutions.

Com. Sub. for Senate Bill 550, Relating to funding for higher education institutions.

Senate Bill 576, Relating to unemployment insurance and COVID-19 vaccination requirement.

Eng. Com. Sub. for House Bill 3220, Restrictions on Taxpayer funded lobbying.

Eng. Com. Sub. for House Bill 4074, Require schools provide eating disorder and self-harm training for teacher and students.

And,

Eng. Com. Sub. for House Bill 4276, WVU to create a Parkinson's disease registry.

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

The Senate then proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 7, 2022:

Senate Bill 25: Senator Maroney;

Senate Bill 28: Senator Maroney;

Senate Bill 34: Senator Maroney;

Senate Bill 39: Senator Maroney;

Senate Bill 46: Senator Maroney;

Senate Bill 48: Senator Maroney;

Com. Sub. for Senate Bill 51: Senator Maroney;

Senate Bill 70: Senator Brown;

Senate Bill 76: Senator Maroney;

Senate Bill 83: Senator Brown;

Com. Sub. for Senate Bill 86: Senators Baldwin and Woodrum;

Senate Bill 92: Senator Maroney;

Senate Bill 106: Senator Brown;

Senate Bill 120: Senator Maroney;

Senate Bill 122: Senator Maroney;

Senate Bill 133: Senator Maroney;

Senate Bill 134: Senator Maroney;

Senate Bill 139: Senator Maroney;

Senate Bill 140: Senator Maroney;

Senate Bill 143: Senator Maroney;

Senate Bill 145: Senator Maroney;

Com. Sub. for Senate Bill 219: Senator Maroney;

Senate Bill 252: Senator Woodrum;

Senate Bill 260: Senator Baldwin;

Senate Bill 265: Senator Maroney;

Senate Bill 418: Senator Maroney;

Senate Bill 420: Senator Maroney;

Senate Bill 422: Senators Baldwin and Woodrum;

Senate Bill 432: Senators Brown and Maroney;

Senate Bill 459: Senators Baldwin and Woodrum;

Com. Sub. for Senate Bill 470: Senator Phillips

Senate Bill 505: Senator Nelson;

Senate Bill 533: Senator Nelson;

Senate Bill 546: Senator Nelson;

Senate Bill 569: Senators Baldwin and Woodrum;

Senate Bill 570: Senator Swope;

Senate Bill 576: Senator Woodrum;

Senate Bill 579: Senator Woodrum;

Senate Bill 584: Senators Lindsay, Baldwin, and Stollings;

Senate Bill 585: Senator Stollings;

Senate Bill 588: Senators Lindsay, Baldwin, and Stollings;

Senate Bill 590: Senators Lindsay and Beach;

Senate Concurrent Resolution 36: Senators Jeffries and Caputo;

Senate Concurrent Resolution 37: Senators Jeffries and Caputo;

Senate Concurrent Resolution 38: Senators Jeffries and Caputo;

Senate Concurrent Resolution 39: Senators Jeffries and Caputo;

Senate Concurrent Resolution 40: Senators Jeffries and Caputo;

Senate Concurrent Resolution 41: Senators Jeffries and Caputo;

Senate Concurrent Resolution 42: Senators Jeffries and Caputo;

Senate Resolution 19: Senators Jeffries, Lindsay, Stollings, and Maroney;

Senate Resolution 20: Senators Romano, Jeffries, Baldwin, Lindsay, Stollings, Woelfel, and Maroney;

And,

Senate Resolution 21: Senators Lindsay, Romano, Jeffries, Baldwin, and Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 2:30 p.m., the Senate adjourned until tomorrow, Wednesday, February 9, 2022, at 11 a.m.

SENATE CALENDAR

**Wednesday, February 09, 2022
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 43 - US Navy S1 Paul McCue Bridge
- S. R. 22 - Commemorating 250th anniversary of Berkeley County
- S. R. 23 - Recognizing Youth Leadership Association Youth in Government
- S. R. 24 - Recognizing Greenbrier East High School InvenTeam

THIRD READING

- Eng. Com. Sub. for S. B. 242 - Restricting authority to prevent or limit owner's use of natural resources or real property in certain agricultural operations
- Eng. Com. Sub. for S. B. 245 - Revising wage payment and collection
- Eng. Com. Sub. for S. B. 445 - Modifying police and firemen's pension plans for trustees (original similar to HB4432)
- Eng. Com. Sub. for S. B. 472 - Relating to access to juvenile records by certain employees of Division of Corrections and Rehabilitation (original similar to HB4541)
- Eng. Com. Sub. for S. B. 487 - Relating to Revenue Shortfall Reserve Fund and Revenue Shortfall Reserve Fund – Part B

SECOND READING

- Com. Sub. for S. B. 6 - Establishing common law "veil piercing" claims not be used to impose personal liability
- Com. Sub. for S. B. 312 - Authorization for Department of Revenue to promulgate legislative rules (original similar to HB4151).
- Com. Sub. for S. B. 419 - Establishing pilot project to evaluate impact of certain post-substance use disorder residential treatments
- Com. Sub. for S. B. 533 - Relating to funding for health sciences and medical schools in state
- S. B. 540 - Allowing municipal fire departments provide retirees with service weapon in certain circumstances
- S. B. 546 - Expanding uses of fees paid by students at higher education institutions
- Com. Sub. for S. B. 550 - Relating to funding for higher education institutions
- S. B. 576 - Relating to unemployment insurance and COVID-19 vaccination requirement
- Eng. Com. Sub. for H. B. 3220 - Restrictions on Taxpayer funded lobbying - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 4074 - Require schools provide eating disorder and self-harm training for teacher and students - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 4276 - WVU to create a Parkinson's disease registry - (Com. amend. and title amend. pending)

FIRST READING

Com. Sub. for S. B. 25 - Updating provisions of Medical Professional Liability Act

Com. Sub. for S. B. 438 - Relating generally to WV Security for Public Deposits Act

Com. Sub. for S. B. 505 - Updating laws on licensure and regulation of money transmitters

Com. Sub. for S. B. 515 - Supplementing and amending appropriations of public moneys to Department of Administration, Public Defender Services (original similar to HB4530)

S. B. 517 - Expiring funds from unappropriated balance in State Excess Lottery Revenue Fund (original similar to HB4525)

Com. Sub. for S. B. 520 - Increasing financial penalties for ransomware attacks (original similar to HB4498)

S. B. 525 - Expiring funds from unappropriated balance in Lottery Net Profits (original similar to HB4526)