

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2022
THIRTIETH DAY

Charleston, West Virginia, Thursday, February 10, 2022

The Senate met at 11:03 a.m.

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

Prayer was offered by Pastor Jeff Davenport, First Baptist Church of Hurricane, Hurricane, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Hannah N. Geffert, a senator from the sixteenth district.

Pending the reading of the Journal of Wednesday, February 9, 2022,

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

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

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

Administration, Department of (Procurement of Recycled Products) (§22-15A-21)

Development Office (Energy Savings in Public Buildings Report) (5B-2F-4)

Development Office (Tax Increment Financing) (§7-11B-15)

Dietitians, Board of Licensed (§30-1-12)

Health and Human Resources, Department of (Medical Cannabis Advisory Board) (§16A-11-1)

Lottery Commission (§29-22-20)

Motor Vehicles, Division of (Interlock Program) (§17C-5A-3a)

Respiratory Care, Board of (§30-1-12)

Sanitarians, Board of (§30-1-12)

Treasurer, Office of the (Debt Position Quarterly Report) (§12-6A-6)

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 of

Eng. Senate Bill 436, Correcting code citation for authority of State Fire Marshal.

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 3036—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-17-20, relating to sunseting the Board of Sanitarians by June 30, 2023.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

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

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendments to the bill were reported by the Clerk:

On page 1, by striking 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 9. HUMAN SERVICES

ARTICLE 4A. MEDICAID UNCOMPENSATED CARE FUND.

§9-4A-2b. Expansion of coverage to children and terminally ill.

(a) It is the intent of the Legislature that steps be taken to expand coverage to children and the terminally ill and to pay for this coverage by fully utilizing federal funds. To achieve this intention, the Department of Health and Human Resources shall undertake the following:

(1) The department shall provide a streamlined application form, which shall be no longer than two pages, for all families applying for medical coverage for children under any of the programs set forth in this section; and

(2) The department shall provide the option of hospice care to terminally ill West Virginians who otherwise qualify for Medicaid. ~~The department shall provide quarterly reports to the Legislative Oversight commission on health and human resources accountability created pursuant to section four, article twenty nine e, chapter sixteen of this code regarding the program provided for in this subdivision. The report shall include, but not be limited to, the total number, by age, of newly eligible clients served, the average annual cost of coverage per client and the total cost, by provider type, to serve all clients.~~

(3) The department shall accelerate the Medicaid option for coverage of Medicaid to all West Virginia children whose family income is below one hundred percent of the federal poverty guideline. ~~The department shall provide quarterly reports to the Legislative Oversight commission on health and human resources accountability regarding the program acceleration provided for in this subdivision. The report shall include, but not be limited to, the number of newly eligible clients, by age, served as a result of the acceleration, the average annual cost of coverage per client and the total cost of all clients served by provider type.~~

(b) Notwithstanding the provisions of §9-4A-2a of this code, the accruing interest in the medical services trust fund may be utilized to pay for the programs specified in subsection (a) of this section: *Provided*, That to the extent the accrued interest is not sufficient to fully fund the specified programs, the disproportionate share hospital funds paid into the medical services trust fund after June 30, 1994, may be applied to cover the cost of the specified programs.

(c) Annually on January 1, the department shall report to the Governor and to the Legislature information regarding the number of children and elderly covered by the programs in subdivisions (2) and (3) of subsection (a), the cost of services by type of service provided, a cost-benefit analysis of the acceleration and expansion on other insurers and the reduction of uncompensated care in hospitals as a result of the programs.

ARTICLE 4C. HEALTH CARE PROVIDER MEDICAID ENHANCEMENT ACT.

§9-4C-7. Powers and duties.

(a) Each board created pursuant to this article shall:

(1) Develop, recommend, and review reimbursement methodology where applicable, and develop and recommend a reasonable provider fee schedule, in relation to its respective provider groups, so that the schedule conforms with federal Medicaid laws and remains within the limits of annual funding available to the single state agency for the Medicaid program. In developing the fee schedule the board may refer to a nationally published regional specific fee schedule, if available, as selected by the secretary in accordance with §9-4C-8 of this code. The board may consider identified health care priorities in developing its fee schedule to the extent permitted by applicable federal Medicaid laws, and may recommend higher reimbursement rates for basic primary and preventative health care services than for other services. In identifying basic primary and preventative health care services, the board may consider factors, including, but not limited to, services defined and prioritized by the basic services task force of the health care planning commission in its report issued in December of the year 1992; and minimum benefits and coverages for policies of insurance as set forth in and minimum benefits and coverages for policies of insurance as set forth in ~~section fifteen, article fifteen, chapter thirty-three of this code and section four, article sixteen-c of said chapter~~ and rules of the Insurance Commissioner promulgated thereunder. If the single state agency approves the adjustments to the fee schedule, it shall implement the provider fee schedule;

(2) Review its respective provider fee schedule on a quarterly basis and recommend to the single state agency any adjustments it considers necessary. If the single state agency approves any of the board's recommendations, it shall immediately implement those adjustments ~~and shall report the same to the Joint Committee on Government and Finance on a quarterly basis;~~

(3) Assist and enhance communications between participating providers and the Department of Health and Human Resources;

(4) Meet and confer with representatives from each specialty area within its respective provider group so that equity in reimbursement increases or decreases may be achieved to the greatest extent possible and when appropriate to meet and confer with other provider boards; and

(5) Appoint a chairperson to preside over all official transactions of the board.

(b) Each board may carry out any other powers and duties as prescribed to it by the secretary.

(c) Nothing in this section gives any board the authority to interfere with the discretion and judgment given to the single state agency that administers the state's Medicaid program. If the single state agency disapproves the recommendations or adjustments to the fee schedule, it is expressly authorized to make any modifications to fee schedules as are necessary to ensure that total financial requirements of the agency for the current fiscal year with respect to the state's Medicaid plan are met and shall report such modifications to the Joint Committee on Government and Finance on a quarterly basis. The purpose of each board is to assist and enhance the role of the single state agency in carrying out its mandate by acting as a means of communication between the health care provider community and the agency.

(d) In addition to the duties specified in subsection (a) of this section, the ambulance service provider Medicaid board shall develop a method for regulating rates charged by ambulance services.

~~(e) On a quarterly basis, the single state agency and the board shall report the status of the fund, any adjustments to the fee schedule and the fee schedule for each health care provider identified in section two of this article to the Joint Committee on Government and Finance.~~

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 3B. PERTUSSIS.**§16-3B-4. DATA COLLECTION ON PERTUSSIS VACCINE ADMINISTRATION.**

(a) By guideline, the department shall establish a system, sufficient for the purposes of subsections (b) and (c) of this section, to collect data from the local health officers, from public and private health care providers and from parents on the incidence of pertussis and major adverse reactions to pertussis vaccine.

(b) On the basis of information collected under this subsection and of other information available, the department shall periodically revise and update the information required by and the guidelines adopted under §16-3B-2 of this code.

(c)(1) The department shall report to the United States Centers for Disease Control and Prevention all information collected under this section, including that received under §16-3B-3 of this code.

~~(2) The department shall report annually to the Legislature on the incidence of pertussis and of adverse reactions to pertussis vaccine.~~

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.]

CHAPTER 49. CHILD WELFARE

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-604. Program administration; implementation; procedures; annual evaluation; coordination; plans; grievances; reports.

(a) The administering agency for the family support program is the Department of Health and Human Resources.

(b) The Department of Health and Human Resources shall initially implement the family support program through contracts with an agency within four of the state's behavioral health regions, with the four regions to be determined by the Department of Health and Human Resources in consultation with the state family support council. These regional family support agencies of the family support program will be responsible for implementing this article and subsequent policies for the families of persons with developmental disabilities residing within their respective regions.

(c) The Department of Health and Human Resources, in conjunction with the state family support council, shall adopt policies and procedures regarding:

(1) Development of annual budgets;

(2) Program specifications;

(3) Criteria for awarding contracts for operation of regional family support programs and the role of regional family support councils;

(4) Annual evaluation of services provided by each regional family support agency, including consumer satisfaction;

(5) Coordination of the family support program and the use of its funds, throughout the state and within each region, with other publicly funded programs, including Medicaid;

(6) Performance of family needs assessments and development of family service plans;

(7) Methodology for allocating resources to families within the funds available; and

(8) Resolution of grievances filed by families pertaining to actions of the family support program.

~~(d) The Department of Health and Human Resources shall submit a report to the Governor and the Legislature on the family support program by September 15, of every year so long as the program is funded.;~~

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill 4067—A Bill to repeal §8-13C-13 of the Code of West Virginia, 1931, as amended; to repeal §16-1-21 of said code; to repeal §16-41-6 of said code; to repeal §18-10L-7 of said code; to repeal §22A-6-11, §22A-6-12, and §22A-6-13 of said code; to repeal §29-6-7a of said code; to repeal §33-25A-35 of said code; to amend and reenact §5-11B-7 of said code; to amend and reenact §5A-6C-4 of said code; to amend and reenact §9-4A-2b of said code; to amend and reenact §9-4C-7 of said code; to amend and reenact §12-7-12 of said code; to amend and reenact §14-2A-21 of said code; to amend and reenact §16-3B-4 of said code; to amend and reenact §16-33-6 of said code; to amend and reenact §31-15A-17b of said code; to amend and reenact §31-18-24 of said code; and to amend and reenact §49-2-604 of said code, all relating to making certain reports electronic rather than in printed hard-copy form; providing for hard copies to be furnished upon request; and eliminating the reporting requirement entirely for those agencies whose reports are no longer needed or whose deadlines have passed with reports already submitted.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 4067, as amended, 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 elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4067) passed with its House of Delegates amended 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. Com. Sub. for H. B. 4067) takes effect from passage.

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

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 4355—A Bill to amend and reenact §18B-10-14 of the Code of West Virginia, 1931, as amended, all relating to the sale of educational materials, books, stationary, and other school and office supplies generally carried in college bookstores; requiring the disclosure by state institutions of higher education of certain information regarding textbooks and digital courseware; requiring disclosure of courses using open education resource materials; requiring disclosure of automatic charges assessed by an institution for required educational materials; establishing the standards to which an institution must adhere when entering into an automatic billing agreement with an entity; prohibiting institutions from entering into automatic billing agreements that would deny a student access to educational materials for refusing to allow the use of that student's data; and providing definitions.

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. Com. Sub. for House Bill 4380—A Bill to amend and reenact §18-5-13 of the Code of West Virginia, 1931, as amended, relating to the transportation of students and passengers for extracurricular activities; increasing the number of ten-passenger vehicles which may be used for any school-sponsored activity; and clarifying that busses shall be used to transport nineteen or more passengers.

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. Com. Sub. for House Bill 4389—A Bill to repeal §18-5B-1, §18-5B-2, §18-5B-3, §18-5B-4, §18-5B-5, §18-5B-6, §18-5B-7, §18-5B-8, §18-5B-9, §18-5B-11, §18-5B-12, §18-5B-13 and §18-5B-14 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-5B-10 of said code; and to amend and reenact §18-5E-3 of said code, all relating to repealing school innovation zones provisions superseded by Innovation in Education Act; updating exceptions to statutes granted to schools to reflect changes in underlying circumstances; updating provisions related to granted exceptions to accommodate exceptions which may be granted to innovation in

education schools and school systems; and clarifying process for state board and legislative oversight commission on education accountability to approve and recommend exceptions to statutes.

Referred to the Committee on Education.

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 10th day of February, 2022, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(S. B. 435), Awarding service weapon to retiree from Division of Protective Services.

(Com. Sub. for S. B. 437), Providing for early discharge of parolees.

And,

(Com. Sub. for S. B. 449), Relating to Nonviolent Offense Parole Program.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.

Dean Jeffries,
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 33, Protecting consumers against businesses using automatic renewals without consent.

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

Com. Sub. for Senate Bill 33 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, and §46A-6O-6, all relating to automatic purchase renewal offers and continuous service offers; stating legislative intent; defining terms; setting notice and disclosure requirements for automatic purchase renewal offers and continuous service offers; providing that a business may not charge the consumer for an automatic renewal or continuous services without first obtaining the consumer's affirmative consent; providing acknowledgement requirements; providing that a business shall disclose how to cancel the automatic renewal or continuous service before the consumer pays, if the offer includes a free gift or trial; providing that a business shall provide certain mechanisms for cancellation of the automatic renewal or continuous offer in the acknowledgement; requiring a business to provide

contact information to the consumer; providing means for terminating the automatic renewal or continuous service offer online; providing notice requirements in the case of material changes in the terms of the automatic renewal or continuous service; providing that a business shall provide to the consumer a reminder of the recurring charge and information on how the consumer may cancel at least 30 days prior to the charge in the case of automatic renewal or continuous service offers of certain frequency; providing a period of application; providing that goods, wares, merchandise, or products shall be deemed an unconditional gift to the consumer when the business sends any goods, wares, merchandise, or products to a consumer without first obtaining the consumer's affirmative consent under a continuous service agreement or automatic renewal of a purchase; providing a civil cause of action; providing statutory penalties; providing that no action may be brought until written notice is provided by the consumer, or his or her representative, to the business; providing written notice requirements; providing mailing requirements; providing the business an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for the business to remit payment, if any, as specified in the accepted cure offer; providing that a claim may be brought for failure of the business to timely effect the accepted cure offer; providing that the written notice is a jurisdictional prerequisite to bringing a cause of action; prohibiting certification of certain class action litigation; providing the court discretion to award plaintiff costs of the action, including reasonable attorney's fees; providing that plaintiff is not entitled to costs and attorney's fees under certain circumstances; providing a statute of limitations; providing for tolling of the statute of limitations; and providing exemptions.

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 Bills 330, 331, 332, and 333, DMV rule relating to examination and issuance of driver's license.

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

Com. Sub. for Senate Bill 330 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-8-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Transportation to promulgate legislative rules; authorizing the rules as modified and amended by the Legislative Rule-Making Review Committee and as amended by the Legislature; relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to the examination and issuance of driver's license; relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to dealer licensing; relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to the collection of tax on the sale of a vehicle; and relating to authorizing the Department of Transportation to promulgate a legislative rule relating to employment procedures.

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 531, Increasing annual salaries of certain state employees.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on Pensions has had under consideration

Senate Bill 532, Requiring reports to Joint Committee on Pensions and Retirement every five years on deferred retirement option plans.

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 Finance.

Respectfully submitted,

Eric Nelson, Jr.,
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 Pensions.

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 561, Increasing number of magistrate judges in Berkeley County.

And reports the same back with the recommendation that it do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Trump, unanimous consent being granted, the bill (S. B. 561) contained in the preceding report from the Committee on the Judiciary was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 4097, To prohibit nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission.

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.

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 4312, Extending the option of electronic absentee ballot transmission to first responders in certain emergency circumstances.

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 Hamilton, Karnes, and Martin:

Senate Bill 608—A Bill to amend and reenact §11-4-2 and §11-4-3 of the Code of West Virginia, 1931, as amended, all relating to assessment of real property; and providing that an immediate family member or former spouse of the owner of real property who occupies the real

property of the owner exclusively for residential purposes shall be included in class (1) for assessment and taxation purposes.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senator Clements:

Senate Bill 609—A Bill to amend and reenact §17-2A-15 of the Code of West Virginia, 1931, as amended, relating to the Commissioner of the Division of Highways accepting ownership of equipment which has been rented or leased; and setting forth requirements.

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

By Senator Clements:

Senate Bill 610—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-2-1; relating to setting forth the duties, powers, and responsibilities of the Secretary of the Department of Transportation.

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

By Senator Clements:

Senate Bill 611—A Bill to amend and reenact §17-4-20 of the Code of West Virginia, 1931, as amended, relating to removing the cap on a bidder's contract bond; and updating outdated language.

Referred to the Committee on Transportation and Infrastructure.

By Senators Brown and Weld:

Senate Bill 612—A Bill to amend and reenact §8-16-1 and §8-16-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-22-19 and §8-22-20 of said code; to amend and reenact §8-33-4 of said code; and to amend and reenact §33-3-14d of said code, all generally relating to pension obligation bonds for municipalities; providing for a definition of "pension funding program"; providing updates to the purview of a governing body relating to pensions; permitting payment of debt service from allocable monies from the Municipal Pensions Security Fund; including the possibility of no pension funding obligations being outstanding; providing specific powers to cities relating to Certificates of Participation; and providing for revenue allocation termination.

Referred to the Committee on Pensions.

By Senators Smith and Phillips:

Senate Bill 613—A Bill to amend and reenact §11-13A-5a of the Code of West Virginia, 1931, as amended, relating to the apportionment of oil and gas severance taxes; and relating to adequately and meaningfully fund the West Virginia Department of Environmental Protection's Office of Oil and Gas.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

By Senators Rucker, Boley, Clements, Grady, Karnes, Maynard, Phillips, Roberts, Smith, Stover, Sypolt, Takubo, Tarr, Weld, and Woodrum:

Senate Bill 614—A Bill to amend and reenact §16-39-3 and §16-39-8 of the Code of West Virginia, 1931, as amended, all relating to Mylissa Smith's Law; defining terms; and requiring health care facilities to ensure patients have adequate, lawful access to clergy.

Referred to the Committee on Health and Human Resources.

By Senator Rucker:

Senate Bill 615—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7h; to amend said code by adding thereto a new section, designated §9-5-29; to amend said code 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 to requiring coverage for certain conditions; requiring coverage treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections; requiring coverage for treatment of pediatric acute onset neuropsychiatric syndrome; requiring a prior authorization to be obtained; and requiring that a physician demonstrate that all other treatments have been exhausted.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

By Senator Weld:

Senate Bill 616—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.

Senators Boley, Rucker, Azinger, Blair (Mr. President), Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Woodrum offered the following resolution:

Senate Concurrent Resolution 44—Clarifying that the 1972 ratification by the 60th Legislature of the proposed 1972 Equal Rights amendment to the Constitution of the United States only was valid through March 22, 1979.

Whereas, The 92nd Congress of the United States of America, during its second session, with the constitutionally required vote of two thirds of both houses, on March 22, 1972, gave final approval to House Joint Resolution No. 208, commonly referred to as the Equal Rights Amendment, to propose the amendment to the Constitution of the United States, pursuant to Article V of the Constitution of the United States; and

Whereas, In offering the proposed federal constitutional amendment to America's state lawmakers, the 92nd Congress chose a deadline of 7 years, or until March 22, 1979, for the constitutionally mandated ratification of the amendment by three fourths of the country's state legislatures; and

Whereas, In Senate Joint Resolution No. 3, the First Extraordinary Session of the 60th Legislature in 1972, responded by ratifying the proposed 1972 Equal Rights Amendment to the Constitution of the United States; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby clarifies the 1972 ratification by the 60th Legislature of the proposed 1972 Equal Rights amendment to the Constitution of the United States only was valid through March 22, 1979; and, be it

Further Resolved, That the 85th Legislature deems that the vitality of Senate Joint Resolution No. 3 of the 60th Legislature by which West Virginia lawmakers ratified the 1972 Equal Rights Amendment, officially lapsed at 11:59 p.m. on March 22, 1979; and, be it

Further Resolved, That, after March 22, 1979, the West Virginia Legislature, while in agreement women and men should enjoy equal rights in the eyes of the law, should not be counted by Congress, the Archivist of the United States, lawmakers in any other state, any court of law, or any other person, as still having on record a live ratification of the proposed Equal Rights Amendment to the Constitution of the United States as was offered by House Joint Resolution No. 208 of the 92nd Congress on March 22, 1972; and, be it

Further Resolved, That the 85th Legislature respectfully requests the full and complete verbatim text of this resolution be duly published in the United States Senate's portion of the Congressional Record, as an official memorial to the United States Senate, and that this resolution be referred to the committee of the United States Senate with appropriate jurisdiction over its subject matter; and, be it

Further Resolved, That the 85th Legislature respectfully requests the substance of this resolution be duly entered in the United States House of Representatives' portion of the Congressional Record, as an official memorial to the United States House of Representatives, and that this resolution be referred to the committee of the United States House of Representatives with appropriate jurisdiction over its subject matter; and, be it

Further Resolved, That the Secretary of State forward copies of this resolution to the Vice President of the United States, the Secretary and Parliamentarian of the United States Senate; the Speaker, Clerk, and Parliamentarian of the United States House of Representatives; each member of the West Virginia Congressional Delegation; and the Archivist of the United States at the National Archives and Records Administration in Washington, D.C.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Com. Sub. for 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.

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

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

Com. Sub. for Senate Concurrent Resolution 29, Nitro WW I Memorial Bridge.

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

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

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

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

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 6, Establishing common law "veil piercing" claims not be used to impose personal liability.

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, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Weld—1.

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. 6) passed.

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

Eng. Com. Sub. for Senate Bill 6—A Bill to amend and reenact §31B-3-303 of the Code of West Virginia, 1931, as amended, relating to the applicability of "corporate veil piercing" analysis to impose personal liability on a member or manager of a limited liability company; establishing the intent and policy of the Legislature to modify the applicability of "corporate veil piercing" analysis adopted in *Joseph Kubican v. The Tavern, LLC*, 232 W.Va. 268, 752 S.E.2d 299 (2013) with respect to certain claims against a limited liability company; clarifying circumstances in which members of a limited liability company may be held liable in their capacity as members for debts, obligations, or liabilities of the company; establishing criteria required for court to apply "corporate veil piercing analysis" in certain claims asserted against a limited liability company; providing for liability of non-human members of a limited liability company under doctrine of joint enterprise liability; providing for liability of a member of a limited liability company as a tortfeasor; authorizing

a creditor of a limited liability company to seek "clawback" from a member of limited liability company under certain circumstances; and defining terms.

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

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

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. Com. Sub. for Senate Bill 312, Authorization for Department of Revenue to promulgate legislative rules.

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

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

The nays were: Azinger, Roberts, and Smith—3.

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. 312) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Romano, Rucker, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Azinger, Roberts, and Smith—3.

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. 312) takes effect from passage.

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

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

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. 419) 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 533, Relating to funding for health sciences and medical schools in state.

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 533 pass?"

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 533) 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. Com. Sub. for S. B. 533) 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 540, Allowing municipal fire departments provide retirees with service weapon in certain circumstances.

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. 540) 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. 540) takes effect from passage.

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

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

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, 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)—33.

The nays were: Beach—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. 546) 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 550, Relating to funding for higher education institutions.

On third reading, coming up in regular order, with the right having been granted on yesterday, Wednesday, February 9, 2022, for amendments to be received on third reading, was read a third time.

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

On page four, section one-f, line sixty-six, by changing the colon to a period and striking out the proviso.

The question being on the adoption of Senator Rucker's amendment to the bill, the same was put and did not prevail.

Senator Beach moved that the Senate reconsider the vote by which it immediately hereinbefore rejected Senator Rucker's amendment to the bill, and on this question, Senator Beach demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Brown, Caputo, Geffert, Karnes, Martin, Plymale, Romano, Rucker, Stollings, and Woelfel—12.

The nays were: Azinger, Boley, Clements, Grady, Hamilton, Jeffries, Lindsay, Maroney, Maynard, Nelson, Phillips, Roberts, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—22.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Beach's reconsideration motion had not prevailed.

Thereafter, Engrossed Committee Substitute for Senate Bill 550 was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Brown, Caputo, Clements, Geffert, Hamilton, Jeffries, Lindsay, Maroney, Maynard, Nelson, Phillips, Plymale, Roberts, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Baldwin, Grady, Karnes, Martin, Romano, and Rucker—6.

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. 550) 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 576, Relating to unemployment insurance and COVID-19 vaccination requirement.

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

Pending discussion,

The question being "Shall Engrossed Senate Bill 576 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Jeffries, Karnes, Lindsay, Martin, Maynard, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: Hamilton, Maroney, Nelson, Trump, and Weld—5.

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. 576) 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 House Bill 3220, Restrictions on Taxpayer funded lobbying.

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. 3220) passed.

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

Eng. Com. Sub. for House Bill 3220—A Bill to amend and reenact §6B-3-10 of the Code of West Virginia, 1931, as amended, relating to required disclosure of information from state agencies, municipalities, counties, or school districts that have contracted for lobbying services; requiring certain information relating to, and copy of, lobbying contract be furnished to Ethics Commission; mandating annual reporting of information to Ethics Commission relating to lobbying activity pursuant to contract; and establishing effective date.

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. Com. Sub. for H. B. 3220) takes effect July 1, 2022.

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

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

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 4074 pass?"

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

The nays were: Brown—1.

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. 4074) passed.

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

Eng. Com. Sub. for House Bill 4074—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-40a, all relating to providing education on and prevention of self-harm behavior and eating disorders in public schools; naming the section "Meghan's Law"; requiring the state board to promulgate a legislative rule to establish training requirements for certain county board employees and volunteers on students' self-harm behaviors and eating disorders; setting forth criteria for said rule; requiring middle school and high school students at least once per academic school year receive information regarding self-harm and eating disorders signs, prevention and treatment; specifying allowable sources of the information; and allowing the promulgation of state board rules to facilitate student education process and develop resources.

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

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

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 4276 pass?"

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4276) passed.

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

Eng. Com. Sub. for House Bill 4276—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5DD-1, relating to the collection of data relating to Parkinson's Disease; defining terms; creating a Parkinson's disease registry; providing a notice requirement; allowing for West Virginia University to enter into agreements regarding this data collection; establishing an advisory committee; providing that confidential data shall not be disclosed; and allowing for the maintaining of certain records.

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. Com. Sub. for H. B. 4276) 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 25, Updating provisions of Medical Professional Liability Act.

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

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

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

On page six, section one, after line one hundred twenty-one, by inserting a new subsection, designated subsection (11), to read as follows:

~~(11) "Principal" means a licensee's owner, president, senior officer responsible for the licensee's business, chief financial officer or any other person who performs similar functions or who otherwise controls the conduct of the affairs of a licensee. A person controlling ten percent or more of the voting stock of any corporate applicant is a principal under this provision.~~

The bill (Com. Sub. for S. B. 505), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 515, Supplementing and amending appropriations of public moneys to Department of Administration, Public Defender Services.

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

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

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 520, Increasing financial penalties for ransomware attacks.

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

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

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 476, Relating to imposition of minimum severance tax on coal.

Senate Bill 478, Relating to Neighborhood Investment Program.

Com. Sub. for Senate Bill 508, Requiring certain attire for deer hunters with muzzleloaders.

Com. Sub. for Senate Bill 509, Relating to county BOE employee personal leave.

Senate Bill 526, Supplementing and amending appropriations to Department of Commerce, Office of Secretary.

Senate Bill 527, Supplementing and amending appropriations to Department of Administration, Office of Technology.

Com. Sub. for Senate Bill 528, Supplementing and amending appropriations to DHHR, Consolidated Medical Services Fund.

Com. Sub. for Senate Bill 537, Providing additional firefighters and security guards for National Guard.

Com. Sub. for Senate Bill 560, Defining Class 2 e-bikes.

And,

Eng. House Bill 4024, Creating a cosmetology apprentice program that allows companies to train employees for practical real-world experience.

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 senator was removed as a co-sponsor of the following bill on February 9, 2022:

Com. Sub. for Senate Bill 25: Senator Stollings.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 9, 2022:

Senate Bill 33: Senator Rucker;

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

Senate Bill 64: Senator Nelson;

Senate Bill 561: Senator Rucker;

Senate Bill 588: Senators Plymale and Woodrum;

Senate Bill 590: Senator Plymale;

Senate Bill 593: Senator Woodrum;

Senate Bill 599: Senator Rucker;

Senate Bill 604: Senators Rucker, Plymale, and Martin;

Senate Bill 605: Senator Rucker;

Senate Bill 606: Senator Plymale;

And,

Senate Bill 607: Senator Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:29 p.m., the Senate adjourned until tomorrow, Friday, February 11, 2022, at 9 a.m.

SENATE CALENDAR

**Friday, February 11, 2022
9:00 AM**

UNFINISHED BUSINESS

S. C. R. 44 - Clarifying 1972 Equal Rights Amendment

S. R. 22 - Commemorating 250th anniversary of Berkeley County

THIRD READING

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

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

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

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

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

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

SECOND READING

Com. Sub. for S. B. 476 - Relating to imposition of minimum severance tax on coal (original similar to HB4411)

S. B. 478 - Relating to Neighborhood Investment Program (original similar to HB4544)

Com. Sub. for S. B. 508 - Requiring certain attire for deer hunters with muzzleloaders (original similar to HB4486)

Com. Sub. for S. B. 509 - Relating to county BOE employee personal leave

S. B. 526 - Supplementing and amending appropriations to Department of Commerce, Office of Secretary (original similar to HB4527)

S. B. 527 - Supplementing and amending appropriations to Department of Administration, Office of Technology (original similar to HB4528)

Com. Sub. for S. B. 528 - Supplementing and amending appropriations to DHHR, Consolidated Medical Services Fund (original similar to HB4529)

Com. Sub. for S. B. 537 - Providing additional firefighters and security guards for National Guard (original similar to HB4494)

Com. Sub. for S. B. 560 - Defining Class 2 e-bikes

Eng. H. B. 4024 - Creating a cosmetology apprentice program that allows companies to train employees for practical real-world experience

FIRST READING

Com. Sub. for S. B. 33 - Protecting consumers against businesses using automatic renewals without consent

Com. Sub. for S. B. 330 - Authorizing DOT to promulgate legislative rules (original similar to HB4169)

S. B. 531 - Increasing annual salaries of certain state employees (original similar to HB4533)

S. B. 532 - Requiring reports to Joint Committee on Pensions and Retirement every five years on deferred retirement option plans

Eng. H. B. 4097 - To prohibit nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission. - (Com. amend. pending)

Eng. H. B. 4312 - Extending the option of electronic absentee ballot transmission to first responders in certain emergency circumstances - (Com. amend. and title amend. pending)