

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2022
THIRTY-SIXTH DAY

Charleston, West Virginia, Wednesday, February 16, 2022

The Senate met at 11:01 a.m.

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

Prayer was offered by the Reverend Jim Butcher, Madison Baptist Church, Madison, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Charles H. Clements, a senator from the second district.

Pending the reading of the Journal of Tuesday, February 15, 2022,

At the request of Senator Trump, 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 Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2598—A Bill to amend and reenact §22-30-3, §22-30-5, and §22-30-6 of the Code of West Virginia, 1931, as amended, relating to modifying an exception to the definition of an aboveground storage tank to also except out certain tanks in zones of peripheral concern which used for transportation and storage of hydrocarbons; providing that the secretary may not, as part of the regulatory program, require any regulated tanks to be lifted, moved, or otherwise physically altered in connection with a visual leak detection program in the absence of a confirmed release; and providing that tanks used for hydrocarbon production, transportation, and storage activities and tanks used for roadway snow and ice pretreatment, as identified under §22-30-3(1)(M) and (N) that are located in a zone of critical concern are exempt from inspection and certification by a third party, but must be self-inspected and self-certified by its owner or operator at least once per year; and tanks used for roadway snow and ice

pretreatment, as identified under §22-30-3(1)(M) and (N) that are located in a zone of critical concern are required to have secondary containment inspections performed by the owner or operator at least once per month.

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 4004—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, relating to prohibiting an abortion after 15 weeks' gestation; defining terms; providing exceptions; requiring the determination of probable gestational; requiring reports; providing professional discipline; providing criminal penalties; clarifying this law does not prohibit other causes of actions; and prohibiting penalizing a patient.

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. Com. Sub. for House Bill 4005—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-17, relating to fetal body parts; defining terms; prohibiting buying, selling, receiving, transferring, acquiring or transporting of fetal body parts resulting from an induced abortion; providing exceptions; and providing criminal penalties.

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

Eng. Com. Sub. for House Bill 4126—A Bill to amend and reenact §64-5-1 et. seq. of the Code of West Virginia, 1931, as amended, all relating to generally authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules; authorizing the rules as filed, as modified, and as amended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to methods and standards for chemical tests for intoxication; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to hospital licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to childhood lead screening; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food manufacturing facilities; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to sewage treatment and collection system design standards; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to clinical laboratory practitioner licensure and

certification; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to clandestine drug laboratory remediation; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to maternal risk screening; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to expedited partner therapy; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medication-assisted treatment - opioid treatment programs; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to syringe services program licensure; authorizing the Health Care Authority to promulgate a legislative rule relating to certificate of need; authorizing the Department of Health and Human Resources and the Insurance Commissioner to promulgate a legislative rule relating to an all-payer claims database- data submission requirements; and authorizing the Department of Health and Human Resources and the Insurance Commissioner to promulgate a legislative rule relating to an all-payer claims database- privacy and security requirements;

Referred to the Committee on the Judiciary.

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

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

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 4307—A Bill to amend and reenact §14-2A-3 of the Code of West Virginia, 1931, as amended, relating to increasing and expanding certain benefits payable from the Crime Victims' Compensation Fund; increasing the limit on allowable benefits for travel and relocation; increasing the limit on the allowable benefit for mental health counseling for secondary victims; and expanding the definition of "work loss" to compensate victims and responsible adults for work lost to attend court proceedings.

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

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 4396—A Bill to repeal §11-21-12h of the Code of West Virginia, 1931, as amended, relating to the repeal of the modification reducing federal adjusted gross income relating to tolls for travel on West Virginia toll roads and paid electronically through use of Parkways Authority Commuter (PAC) cards.

Referred to the Committee on Finance.

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 4410—A Bill to amend and reenact §11-21-37a of the Code of West Virginia, 1931, as amended, relating to specifying allocation and apportionment of income of flow-through

entities and treatment of income derived from flow-through entities by recipients thereof, providing that allocation and apportionment of income for flow-through entities to be the same as allocation and apportionment of income for C corporations; specifying effective date.

Referred to the Committee on Finance.

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 4461—A Bill to amend and reenact §11-10-27 of the Code of West Virginia, 1931, as amended, relating to the consolidation of all administrative fees collected by the Tax Division into the existing "Tax Administration Services Fund"; removing the \$3 million cap on the fund; providing that excess amounts in this Fund are not converted into the General Fund; consolidating the balances of moneys in various funds collected as fees by, and administered for, the Tax Division of the Department of Revenue; reducing the amount of the fee that may be retained for the state administration of local sales and use taxes; and providing an effective date.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 4484—A Bill recognizing and declaring certain claims against agencies of the state to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

Referred to the Committee on Finance.

Executive Communications

The Clerk then presented the following communications from His Excellency, the Governor, regarding bills approved by him:



Jim Justice
Governor of West Virginia

February 16, 2022

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

Dear Mr. Clerk:

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

Senate Bill No. Four Hundred Thirty-Five (435), which was presented to me on February 10, 2022.

Committee Substitute for Senate Bill No. Four Hundred Thirty-Seven (437), which was presented to me on February 10, 2022.

Committee Substitute for Senate Bill No. Four Hundred Forty-Nine (449), which was presented to me on February 10, 2022.

You will note that I have approved these bills on February 16, 2022.

Sincerely,

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

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk



Jim Justice
Governor of West Virginia

February 16, 2022

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

House Bill No. Four Thousand Three Hundred One (4301), which was presented to me on February 15, 2022.

You will note that I have approved this bill on February 16, 2022.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis

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 16th 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:

(Com. Sub. for S. B. 279), Authorizing DEP to promulgate legislative rules.

(S. B. 450), Updating definitions of WV Personal Income Tax Act.

And,

(S. B. 451), Updating definitions of WV Corporation Net Income Tax Act.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Dean Jeffries,
Chair, House Committee.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 213, Establishing licensed professional counseling compact.

Now on second reading, having been rereferred to the Committee on Health and Human Resources on January 24, 2022;

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Com. Sub. for Senate Bill 221 (originating in the Committee on Health and Human Resources), Establishing occupational therapy compact.

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

Rev. Com. Sub. for Senate Bill 221 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-28A-1, §30-28A-2, §30-28A-3, §30-28A-4, §30-28A-5, §30-28A-6, §30-28A-7, §30-28A-8, §30-28A-9, §30-28A-10, §30-28A-11, §30-28A-12, §30-28A-13, and §30-28A-14, all relating to establishing an occupational therapy compact; providing for the purpose in creating the compact; providing for definitions relating to the compact; establishing guidelines for state participation in the compact; creating a compact privilege; creating a means to obtain a state home license through the compact; defining active duty military personnel and their spouses for purposes of the compact; defining adverse actions; establishing the occupational therapy compact commission; creating a data system; providing for rulemaking; providing for oversight, dispute resolution, and enforcement; creating a date of implementation of the interstate commission for occupational therapy practice and associated rules, withdrawal, and amendment; providing for the construction and severability of the compact; and establishing the binding effect of the compact and other laws.

With the recommendation that the revised committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 274, Relating to number of child protective service workers in counties.

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

Com. Sub. for Senate Bill 274 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §9-2-6 of the Code of West Virginia, 1931, as amended, relating to requiring the secretary of the Department of Health and Human Resources to allocate child protective services workers by the Bureau of Social Services' district annually; and to report this allocation process to the Legislative Oversight Commission on Health and Human Resources Accountability annually.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,
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 414, Creating special revenue account for statewide records management program.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

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

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

Respectfully submitted,

Craig Blair,
Chair ex officio.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 438) contained in the preceding report from the Committee on Rules was taken up for immediate consideration, read a first time, and ordered to second reading.

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

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

Senate Bill 480, Relating to DEP Office of Oil and Gas.

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,

Randy E. Smith,
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 Energy, Industry, and Mining.

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

Your Committee on Government Organization has had under consideration

Senate Bill 489, Clarifying amount of deputy sheriff annual salary increase.

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

Com. Sub. for Senate Bill 489 (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-14-17c of the Code of West Virginia, 1931, as amended, relating to clarifying the amount of a deputy sheriff's annual monetary payment for years of service.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
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 494, Creating Broadband Carrier Neutral and Open Access Infrastructure Development Fund.

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

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

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 529, Encouraging additional computer science education in WV schools.

And,

Senate Bill 541, Requiring homeschooled child's academic assessment be submitted by certain date.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 530, Encouraging public-private partnerships in transportation.

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

Com. Sub. for Senate Bill 530 (originating in the Committee on Government Organization)—
A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-6b; and to amend and reenact §17-27-3, §17-27-4, §17-27-5, §17-27-7, §17-27-8, §17-27-9, §17-27-11, §17-27-13, §17-27-14, §17-27-15, and §17-27-16 of said code, all relating to encouraging public-private partnerships related to transportation facilities; providing coal severance tax escrow fund for the state portion of coal severance taxes paid on a public-private transportation facility; authorizing the Division of Highways to repay collected tax in escrow to private entities; cleaning up antiquated language; clarifying the roles of the division, public entities, and developers; simplifying the public-private partnership review process; clarifying that Commissioner of the Division of Highways may approve or modify the division's rankings, authorize negotiations and entry into comprehensive agreement with the highest-ranked developer, or reject all proposals; providing that division is not obligated to accept, consider, or review unsolicited conceptual proposals, but may choose to do so; providing that no obligation or liability attaches to either party if they are unable to reach an agreement; providing that the division may negotiate a comprehensive agreement with the next highest-ranked developer if agreement cannot be reached with highest-ranked developer; clarifying the extent to which the division may utilize condemnation if it is found the project serves a public purpose or the developer is in material default; and exempting public-private partnership agreements from statutory government construction contract requirements.

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,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 530), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 534, Clarifying that secondary source on insurance is not controlling authority.

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

Com. Sub. for Senate Bill 534 (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 §2-1-3, relating to clarifying secondary sources are not the law and public policy of West Virginia in certain instances; and permitting the use of certified questions on issues of first impression in certain circumstances.

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 536, Clarifying statutes on possessing, manufacturing, importing, and transporting fentanyl in WV.

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

Com. Sub. for Senate Bill 536 (originating in the Committee on the Judiciary)—A Bill to repeal §60A-4-415 of the Code of West Virginia, 1931, as amended; to amend and reenact §60A-4-401 and §60A-4-409 of said code and to amend said code by adding thereto a new section designated §60A-4-418 all relating to controlled substance criminal offenses generally; increasing the penalty for manufacture, delivery, or possession with intent to manufacture or deliver fentanyl; creating the offenses of counterfeit fentanyl or adulterating another controlled substance with fentanyl; creating the offense of using minors to illegally manufacture, distribute or possess with intent to distribute; and establishing criminal penalties.

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. 536), 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

Senate Bill 554, Transferring functions of WV Solid Waste Management Board to DEP.

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

Com. Sub. for Senate Bill 554 (originating in the Committee on Natural Resources)—A Bill to repeal §22C-3-22 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22C-3-1, §22C-3-2, §22C-3-3, §22C-3-4, §22C-3-5, §22C-3-6, §22C-3-7, §22C-3-8, §22C-3-9, §22C-3-10, §22C-3-11, §22C-3-12, §22C-3-13, §22C-3-14, §22C-3-15, §22C-3-16, §22C-3-17, §22C-3-18, §22C-3-19, §22C-3-20, §22C-3-21, §22C-3-23, §22C-3-24, §22C-3-25, and §22C-3-26 of said code, all relating to abolishing the West Virginia Solid Waste Management Board and transferring its functions, rights, powers, and duties to the Department of Environmental Protection; defining terms; declaring that the department is bound by actions previously taken by the Solid Waste Management Board; requiring development of state solid waste management plan once every two years beginning 2023; removing or repealing obsolete provisions relating to the former board; and correcting and revising citations to related sections of said code.

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,

Bill Hamilton,
Chair.

The bill (Com. Sub. for S. B. 554), under the original double committee reference, was then referred to the Committee on Finance.

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 568, Requiring insurance plans to provide underwriting information to insureds.

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

Com. Sub. for Senate Bill 568 (originating in the Committee on Banking and Insurance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-16-3c; to amend said code by adding thereto a new section, designated §33-24-6a; to amend said code by adding thereto a new section, designated §33-25-10a; and to amend said code by adding thereto a new section, designated §33-25A-7b, all relating to health insurance loss ratio information; defining term; and requiring disclosure of loss ratio information upon request.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael T. Azinger,
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 571, Declaring certain claims to be moral obligations of state.

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

Com. Sub. for Senate Bill 571 (originating in the Committee on Finance)—A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

With the recommendation that the committee substitute 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 573, Providing system where magistrates shall preside in certain instances outside normal court hours.

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

Com. Sub. for Senate Bill 573 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §50-1-13 of the Code of West Virginia, 1931, as amended, relating to requesting the Chief Justice of the Supreme Court of Appeals develop a rule creating a system in which magistrates may be assigned on a temporary rotating basis outside the county of their election or appointment to preside over initial appearances, petitions for domestic violence, emergency protective orders, emergency mental hygiene petitions, emergency juvenile delinquency petitions, and applications for issuance of search warrants in counties in which he or she was not elected or appointed during non-court hours; granting the court authority to organize the system on a circuit-wide or regional basis as the court chooses; clarifying that magistrates may preside remotely if the Supreme Court of Appeals determines it appropriate; and eliminating antiquated language.

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 575, Ensuring that imposition of certain sexual offenses apply to persons working in juvenile facilities.

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

Com. Sub. for Senate Bill 575 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-8B-10 of the Code of West Virginia, 1931, as amended, relating to the felony offense of imposition of sexual acts by any employee or volunteer on persons incarcerated, detained, or under supervision by the Division of Corrections and Rehabilitation, or the West Virginia Supreme Court of Appeals, or by any person acting pursuant to or under the authority of any sheriff, county commission, municipality, or court to ensure compliance with the provisions of §62-11B-1 *et seq.* of this code; clarifying that the felony offense applies to a person working at a juvenile facility or working for a municipal home incarceration alternative sentencing program; providing that the felony offense applies to sexual imposition on persons detained at or committed to a facility; establishing criminal penalties; and clarifying the definition of "incarcerated or detained in this state" to include adult and juvenile offenders sentenced, detained, committed, or serving a period of supervision pursuant to §62-11B-1 *et seq.* of this code.

And,

Senate Bill 595, Relating to Dangerousness Assessment Review Board.

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

Com. Sub. for Senate Bill 595 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §27-6A-13 of the Code of West Virginia, 1931, as amended, relating to the Dangerousness Assessment Advisory Board; barring the subpoenaing of board members to testify in proceedings about which the board issues advice, guidance, or opinion; and requiring in lieu of testifying that the board provides copies of all documents and materials used in providing its advice, guidance, or opinion upon request of the circuit court.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 589, Defining area of critical need and shortage for substitute bus operators.

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,

Patricia Puertas Rucker,
Chair.

At the request of Senator Maroney, unanimous consent being granted, the bill (S. B. 589) contained in the preceding report from the Committee on Education was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 593, Allowing Marshall University's Forensic Analysis Laboratory access and participation in WV DNA database for certain purposes.

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

Com. Sub. for Senate Bill 593 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-2B-3 of the Code of West Virginia, 1931, as amended, relating to the Legislature and State Police designating the Forensic Analysis Laboratory at the Marshall University Science Center as a criminal justice agency to allow its participation in the West Virginia DNA Database for certain purposes.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 598, Establishing partnerships and aid for at-risk veterans to combat suicide.

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

Com. Sub. for Senate Bill 598 (originating in the Committee on Military)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9A-5-1, §9A-5-2, and §9A-5-3, all relating to specifically authorizing programs to assist at-risk veterans through partnerships with service organizations, government agencies, military organizations, or private entities engaged with their local veteran communities to connect veterans and their families with existing resources to combat suicide, and its contributing factors, among the veteran population in this state; providing legislative fundings and purpose; authorizing programs to assist at-risk veterans through partnerships with service organizations to combat suicide and its contributing factors among the veteran population; and providing for funding and grant-making from the Department of Veterans' Assistance to partner service organizations, government agencies, military organizations, or private entities and for the purposes of this article.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 609, Allowing DOH Commissioner to accept ownership of rented and leased equipment.

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

Com. Sub. for Senate Bill 609 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17-2A-15 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Highways to accept ownership of equipment that was rented or leased; and setting forth requirements related to acquiring and reporting ownership of equipment.

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 H. Clements,
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 Transportation and Infrastructure.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 611, Removing cap on bidder's contract bond.

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

Com. Sub. for Senate Bill 611 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17-4-20 of the Code of West Virginia, 1931, as amended, relating to removing the cap on contract bidder's surety or collateral bond; and updating outdated language.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles H. Clements,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 27, US Army TSGT Harold William Schmidle Memorial Bridge.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 27 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 39-026/00-019.09 (39A051), (39.49472, -79.64520), locally known as Albright Bridge, carrying WV 26 over Cheat River in Preston County, as the "U.S. Army TSGT Harold William Schmidle Memorial Bridge".

Whereas, Harold William Schmidle was born in the year 1921, as the son of Joseph and Jennie Schmidle in Albright, West Virginia, and was one of 14 children; and

Whereas, Harold William Schmidle, also called "Teen", enlisted in the Infantry as a young man to serve his country during World War II; and

Whereas, TSGT Harold William Schmidle served 37 months in the Pacific and fought against the Japanese; and

Whereas, TSGT Harold William Schmidle was killed in action during the Battle of Banzai Point on the Island of Corregidor in the Philippines on February 19, 1945, where he served as a rifle squad leader (S/SGT) in the 2nd platoon, Company "D", 503rd Parachute Infantry Regiment, when he and his squad were overrun by the Japanese; and

Whereas, TSGT Harold William Schmidle had three brothers who also served their country at the time: George Schmidle was stationed in Texas; and Williard "Woody" Schmidle and Cottrill Schmidle served in the European Theatre; and

Whereas, TSGT Harold William Schmidle posthumously received the Silver Star for gallantry in action on February 19, 1945, for taking up a dangerous flank position, with utter disregard for his own life, repulsing several enemy rushes, and holding his position until mortally wounded without asking for help. His Silver Star citation provides that his courage, initiative, and coolness under fire materially aided in the reorganization of his unit for successful attack on the enemy and constituted the finest of soldierly performance of duty; and

Whereas, TSGT Harold William Schmidle was also the recipient of a Bronze Star, Purple Heart, and various other medals and awards; and

Whereas, It is fitting that an enduring memorial be established to commemorate TSGT Harold William Schmidle so that his sacrifice for our state and country will never be forgotten; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a bridge bearing the number 39-26-19.09, carrying Route 26 North in Albright, as the "U. S. Army TSGT Harold William Schmidle Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army TSGT Harold William Schmidle Memorial Bridge"; and, be it

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

And,

Senate Concurrent Resolution 38, Cox Brothers' Veteran Memorial Bridge.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 38 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 17-050/00-006.08 (EB and WB) (17A187, 17A189), (39.28925, -80.49021), locally known as Log Cabin Bridge, carrying U.S. Route 50 (EB and WB) over Tenmile Creek, Harrison County, the "Cox Brothers Veterans Memorial Bridge".

Whereas, The Cox Family demonstrated their utmost patriotism for the United States with 11 of 15 brothers in a family of 21 children serving in the U.S. military, including seven brothers who served during WWII; and

Whereas, Vaughn Cox was with the 101st Airborne, serving as a paratrooper on D-Day being shot several times before he hit the ground. Thereafter, Vaughn was picked up by burial crews who discovered that he was still alive, after which he recovered and returned home with a glass eye having earned three Purple Hearts; and

Whereas, Glenn Cox was stationed with the Navy on Ocracoke Island at a top secret amphibious training base where he operated from the "Loop Shack" to track Nazi U-Boats. At the end of the war, as reported by his daughter, Glenn had the honor of transcribing the radio code message announcing the end of WWII to his fellow sailors; and

Whereas, Edward Cox fought during the battles for Guadalcanal and the Southern Philippines during WWII. He reenlisted and served in the Korean War, garnering multiple honors, including medals for the Asiatic-Pacific Theater Campaign with two bronze stars, Philippine Liberation Ribbon with one bronze star, and the Army of Occupation Medal, Korea; and

Whereas, Paul Loutrell Cox was a U.S. Marine, PFC-6, during WWII, serving in the Central Pacific throughout those difficult times; and

Whereas, Carlos Walter Cox was a Staff Sergeant in the Army who served in northern France and the Rhineland during WWII, earning multiple service ribbons for valor and bravery; and

Whereas, Calvin Leco Cox served his country in the Army as Private First Class-Ordinance in Walla Walla, Washington; and

Whereas, The Cox brothers' half-brother, Kenneth Bickerstaff, was in the Army and stationed in Australia during WWII to help fight off the Japanese invasion in the Pacific; and

Whereas, All seven of the Cox brothers who served in WWII were listed on the Honor Memorial in Wolf Summit, West Virginia, dedicated in 1946, symbolizing their heroism and sacrifice for continued freedom of the United States and our democracy; and

Whereas, It is fitting that an enduring memorial be established to commemorate all seven of the Cox brothers, who served in WWII, and their 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 17-050/00-006.08 (EB and WB) (17A187, 17A189), (39.28925, -80.49021), locally known as Log Cabin Bridge, carrying U.S. Route 50 (EB and WB) over Tenmile Creek, Harrison County, the "Cox Brothers Veterans Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Cox Brothers Veterans Memorial Bridge"; and, be it

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

With the recommendation that the two committee substitutes be adopted.

Respectfully submitted,

Charles H. Clements,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Eng. House Bill 4060, Repealing outdated sections of code relating to health.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 4333, Relating to the sunset of the Board of Hearing-Aid Dealers and Fitters.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4333) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Health and Human Resources has had under consideration

Eng. House Bill 4369, Update the telepsychology compact.

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

Respectfully submitted,

Michael J. Maroney,
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 Grady, Azinger, Boley, Clements, Karnes, Martin, Maynard, Phillips, Roberts, Rucker, Smith, Stover, Sypolt, Takubo, Tarr, Trump, Weld, and Woodrum:

Senate Bill 647—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-65-1, §16-65-2, §16-65-3, and §16-65-4, all relating to prohibiting discrimination based on an individual's mental or physical disability in access to organ transplantation; and providing enforcement mechanisms.

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

By Senator Nelson:

Senate Bill 648—A Bill to amend and reenact §24D-1-1, §24D-1-13, §24D-1-14, §24D-1-16, §24D-1-17, and §24D-1-18 of the Code of West Virginia, 1931, as amended, all relating to the Public Service Commission and the Cable Television Systems Act; setting rates and reviewing of any special surcharges, costs and fees imposed on cable subscribers; adding additional customer service standards for cable operators, including the adoption of the Federal Communications Commission customer service and technical standards; clarifying when a refund or credit is due a cable subscriber; setting forth requirements for business offices, including requiring business offices to be located in each county in which the cable operator provides cable service; and requiring certain cable operators to operate an in-state customer call center.

Referred to the Committee on Government Organization.

By Senator Nelson:

Senate Bill 649—A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931, as amended, relating to requiring communication providers providing service in West Virginia or obtaining West Virginia area codes to register with the Public Service Commission; defining "communication provider"; and combining into one section, the two versions of this section that were amended during the regular session of the Legislature, 2021.

Referred to the Committee on the Judiciary.

By Senator Nelson:

Senate Bill 650—A Bill to amend and reenact §37B-1-4 of the Code of West Virginia, 1931, as amended, relating to amending the number of royalty owners required for utilization by an operator for the lawful use and development by cotenants; and correcting the format of some phrases.

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

By Senator Grady:

Senate Bill 651—A Bill to amend and reenact §18-2B-2a of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9D-19 of said code, all relating to allowing a county board of education participating in the operation of a multicounty vocational center to withdraw; allowing any county board participating in a multicounty vocational center to determine that a career technical education program be part of the local high school; and modifying provisions pertaining to construction of a comprehensive vocational facility by a county board served by a multicounty vocational technical facility.

Referred to the Committee on Education.

By Senators Woodrum, Boley, Clements, Grady, Karnes, Phillips, Roberts, Stover, Sypolt, and Trump:

Senate Bill 652—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-20, relating to prohibiting hospitals from refusing to receive and delaying the reception of patients presented by emergency medical services; and defining the minimum duty of the hospital.

Referred to the Committee on Health and Human Resources.

By Senators Weld, Caputo, and Romano:

Senate Bill 653—A Bill to repeal §18B-2A-7a of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1-2 of said code; to amend and reenact §18B-1B-6 of said code; to amend and reenact §18B-2A-1 of said code; to amend and reenact §18B-3C-8 and §18B-3C-13 of said code, and to amend said code by adding thereto a new section, designated §18B-3C-13a, all relating to public higher education governance; making Pierpont Community and Technical College a fully integrated division of Fairmont State University known as the Pierpont College of Community and Technical Education on July 1, 2023; increasing the number of members of the Fairmont State Board of Governors to 15 persons; requiring the appointment by the Governor of at least one member on the Fairmont State University Board of Governors who has knowledge and practical experience in community and technical education; providing for two faculty members on the Fairmont State University Board of Governors at least one of which shall

be from the faculty of the Pierpont College of Community and Technical Education elected by the faculty senate; providing that the administrative head of the Pierpont College of Community and Technical Education shall be a dean appointed by the President of Fairmont State University; providing that the chairman of the Fairmont State University Board of Governors shall appoint an advisory board to advise the Fairmont State University Board of Governors on matters relating to the community and technical college curriculum; providing that the members of the advisory board shall elect a chairperson on or after July 1, 2023, who shall be an ex-officio, voting member of the Fairmont State University Board of Governors; providing that the operating budget of Pierpont Community and Technical College is integrated under the authority and jurisdiction of the Fairmont State University Board of Governors; transferring all financial assets and liabilities from the authority of Pierpont Community and Technical College Board of Governors to the authority of the Fairmont State University Board of Governors; satisfying existing outstanding deficits or financial obligations prior to the unification of Fairmont State University and Pierpont Community and Technical College; continuing any capital debt service payment of Pierpont Community and Technical College and making it the responsibility of the Fairmont State University Board of Governors; transferring titles to all real property, facilities, and equipment of, as well as each valid agreement undertaken by Pierpont Community and Technical College to the Fairmont State University Board of Governors; vesting title of all property purchased for the use of Pierpont Community and Technical College in the Fairmont State University Board of Governors; making faculty, classified employees, and nonclassified employees of Pierpont Community and Technical College employees of Fairmont State University; providing for a transition period to achieve full accreditation by the Higher Learning Commission; requiring reports to the Council for Community and Technical College Education and the Legislative Oversight Commission on Education Accountability; clarifying that the Council for Community and Technical College Education shall retain jurisdiction over the academic programming offered by the Pierpont College of Community and Technical Education; providing for transition team oversight with a sunset date; authorizing Fairmont State University to begin the change of control accreditation review process with the Higher Learning Commission on July 1, 2022; updating certain state institution of higher education names; repealing outdated language; and deleting obsolete language.

Referred to the Committee on Education.

By Senator Roberts:

Senate Bill 654—A Bill to amend and reenact §18C-9-5 of the Code of West Virginia, 1931, as amended, relating to creating exceptions to the West Virginia Invests Grant eligibility requirement; and providing that the applicant has not been previously awarded a post-secondary degree.

Referred to the Committee on Education.

By Senators Takubo, Hamilton, Maynard, Phillips, Smith, Stollings, Tarr, and Weld:

Senate Bill 655—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-43-1, §30-43-2, and §30-43-3, all relating to tactical medical professionals; defining terms; authorizing to carry firearms; training and certification requirements; and protecting from civil or criminal liability.

Referred to the Committee on Health and Human Resources.

By Senators Takubo, Boley, Hamilton, Nelson, Phillips, Stollings, Swope, Sypolt, Trump, and Woodrum:

Senate Bill 656—A Bill to amend and reenact §11-21-71 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-24-44, all relating to providing a tax credit against the state corporate net income tax to for-profit corporations or a tax credit against payroll withholdings for nonprofit corporations for expenditures related to the establishment and operation of employer-provided child-care facilities.

Referred to the Committee on Finance.

By Senator Trump:

Senate Bill 657—A Bill to amend and reenact §16A-9-1 of the Code of West Virginia, 1931, as amended, relating generally to medical cannabis; and authorizing the disclosure of tax information necessary for administration of the medical cannabis program.

Referred to the Committee on Finance.

By Senator Rucker:

Senate Bill 658—A Bill to amend and reenact §18A-4-2b of the Code of West Virginia, 1931, as amended, relating to making school psychologists holding a license in school psychology from the West Virginia Board of Examiners of Psychologists eligible for the same annual salary supplement and expense reimbursements that school psychologists who attain national professional certification by the National Association of School Psychologists are eligible for; and removing obsolete language.

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

By Senator Trump:

Senate Bill 659—A Bill to amend and reenact §11-16-8 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §60-1-3a; to amend and reenact §60-6-24 of said code; to amend and reenact §60-7-2, and §60-7-6 of said code; to amend and reenact §60-8-6c of said code; and to amend and reenact §61-8-27 of said code, all relating to nonintoxicating beer, wine and liquor licenses and requirements; providing for removal of the 300 foot requirement; clarifying that licensees are not required to place alcoholic liquors in a bag after purchase; revising the blood alcohol chart; creating a license for a private bakery to produce confections with alcohol added and setting a license fee; creating a license for a private cigar shop to, where legally permissible, permit the sale of alcohol, food, and cigars for on-premises consumption, and setting a license fee; creating a license for a private college sports stadium for alcohol sales in certain areas of Division I, II, or III sports stadiums, and setting a license fee; creating a license for a private food truck to conduct food and alcohol sales at various locations when permitted by a municipality, and setting a license fee; permitting private hotels and private resort hotels to apply for a private caterer license; authorizing private hotels and private resorts hotels to utilize in-room mini-bars for limited alcohol sales to adults 21 year of age and over; authorizing wine growler sales where wine may be mixed with ice and water to produce a frozen alcoholic beverage for sale in sealed wine growlers, and additional requirements; and providing additional exceptions to the criminal penalty for the unlawful admission of children to a dance hall for certain private clubs with an age verification system.

Referred to the Committee on the Judiciary.

By Senator Geffert:

Senate Joint Resolution 10—Proposing an amendment to the Constitution of the State of West Virginia, amending article III thereof, by adding thereto a new section, designated section

23, relating to preserving equality under the law on the basis of sex; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senator Grady offered the following resolution:

Senate Concurrent Resolution 47—Requesting the Division of Highways name bridge number 18-077/00-145.78 (NB-SB) (18A172), locally known as Sandy Creek NB-SB Bridges, carrying I-77 over Sandy Creek in Jackson County, the "Fire Chief Lee Thomas Memorial Bridge".

Whereas, Fire Chief Lee Thomas was born on November 4, 1933, in Sandyville, West Virginia, and passed away on December 7, 2016; and

Whereas, Fire Chief Lee Thomas was inducted into the United States Army on November 18, 1955, attained the rank of Specialist 4, and was honorably discharged on October 31, 1961; and

Whereas, Fire Chief Lee Thomas was a charter member of the Sandyville Volunteer Fire Department where he served for 48 years, 25 of which were as chief; and

Whereas, It is fitting that an enduring memorial be established to commemorate Fire Chief Lee Thomas and his contributions to our country, state, and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 18-077/00-145.78 (NB-SB) (18A172), locally known as Sandy Creek NB-SB Bridges, carrying I-77 over Sandy Creek in Jackson County, the "Fire Chief Lee Thomas Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold lettering identifying the bridge as the "Fire Chief Lee Thomas Memorial Bridge"; and, be it

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

Which, under the rules, lies over one day.

Senator Clements offered the following resolution:

Sente Resolution 30—Designating February 17, 2022, as Corrections Day.

Whereas, The West Virginia Division of Corrections and Rehabilitation is committed to enhancing public safety, promoting offender accountability, and successfully reintegrating offenders into society; and

Whereas, The COVID-19 pandemic is a public health crisis not seen in a century; and

Whereas, The pandemic presents an even greater threat to health and safety in a congregate setting such as a prison, jail, or juvenile facility; and

Whereas, The staff of the Division of Corrections and Rehabilitation have adapted to this challenge by successfully implementing numerous additional safety protocols and procedures; and

Whereas, The Division of Corrections and Rehabilitation staff perform dangerous duties that have been amplified by the pandemic; and

Whereas, The dedicated men and women of the Division of Corrections and Rehabilitation are working extensive overtime to maintain safe facilities because of significant staffing shortages due the pandemic; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 17, 2022, as Corrections Day; and, be it

Further Resolved, That the Senate recognizes the exceptional service and commitment of the employees of the Division of Corrections and Rehabilitation; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Corrections and Rehabilitation.

Which, under the rules, lies over one day.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned 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 660 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §30-1-26 of the Code of West Virginia, 1931, as amended, relating to setting forth standard of care requirements for telehealth practice.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the seventh order of business.

Senate Resolution 28, Designating February 16, 2022, as WV Rural Health Workforce Day at Legislature.

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 taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Senate Resolution 29, Designating February 16, 2022, as WV State University Day.

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

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

The question being on the adoption of the resolution, and on this question, Senator Lindsay demanded the yeas and nays.

The roll being taken, 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 those present and voting having voted in the affirmative, the President declared the resolution (S. R. 29) adopted.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 86, Creating criminal offense of sexual extortion.

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 86 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. 86) 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 86—A Bill to amend and reenact §61-2-13 of the Code of West Virginia, 1931, as amended, relating to the criminal offense of extortion, including threats to publish images of a person's intimate body parts as a means of committing extortion or attempted extortion; defining terms; and establishing criminal penalties.

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 146, Relating to interpretations of school laws.

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 146 pass?"

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

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

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. 146) 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 415, Capping severance tax collections in general revenue at specified percentage.

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. 415) 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. Com. Sub. for S. B. 415) 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 442, Relating to WV Public Employee Retirement System.

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. 442) 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 443, Including police and firefighter as electors of trustees for certain pension funds.

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. 443) 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 524, Placing duties and functions of certain boards and commissions under Department of Arts, Culture, and History.

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 524 pass?"

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

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

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. 524) 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 542, Transferring Broadband Enhancement Council from Department of Commerce to Department of Economic Development.

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

Senators Plymale and Maynard, respectively, requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate, as they are members of the Broadband Enhancement Council.

The Chair replied that Senators Plymale and Maynard should be excused from voting on any matter pertaining to the bill, and without objection, Senators Plymale and Maynard were excused from voting on any matter pertaining to the bill.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Nelson, Phillips, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: None.

Excused from voting: Maynard and Plymale—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 542) 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, Nelson, Phillips, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: None.

Excused from voting: Maynard and Plymale—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 542) 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 570, Establishing training for law-enforcement in handling individuals with Alzheimer's and dementias.

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 570 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. S. B. 570) passed with its title.

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

Com. Sub. for Senate Bill 574, Relating to WV PEIA.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, February 15, 2022, for amendments to be received on third reading, 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, with the right to amend on third reading remaining in effect.

Eng. Senate Bill 591, Relating to process for filling vacancies in state Legislature.

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. 591) passed with its title.

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 371, Authorizing miscellaneous boards and agencies to promulgate legislative rules.

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

Eng. Com. Sub. for House Bill 3312, Establishing a memorial to child labor and child workers who died in the course of employment in this state.

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

Eng. House Bill 4308, Authorizing disclosure of juvenile information to Crime Victims Compensation Fund for investigation and award of benefits.

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

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Judiciary committee amendment pending and the right for further amendments to be considered on that 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 Com. Sub. for Senate Bill 247, Relating to certified community behavioral health clinics.

Com. Sub. for Senate Bill 268, Creating exemption from compulsory school attendance for child who participates in learning pod or micro school.

Com. Sub. for Senate Bill 543, Creating Unemployment Compensation Insurance Fraud Unit within Workforce WV.

Com. Sub. for Senate Bill 584, Relating to WV Infrastructure and Jobs Development Council.

Eng. House Bill 4048, WV Keep, Bear and Drive with Arms Act.

Eng. Com. Sub. for House Bill 4114, Authorizing certain agencies of the Department of Administration to promulgate legislative rules.

And,

Eng. House Bill 4299, To prohibit the intentional interference with election processes and creating associated criminal penalties.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Karnes, Plymale, and Weld.

At the request of Senator Plymale, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of the passing of Nancy Cartmill, a Cabell County Commissioner and former mayor of Barboursville.

Thereafter, at the request of Senator Woelfel, and by unanimous consent, the remarks by Senators Plymale and Weld were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on February 15, 2022:

Senate Bill 484: Senator Martin.

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 15, 2022:

Senate Bill 18: Senator Brown;

Senate Bill 19: Senator Brown;

Senate Bill 20: Senator Brown;

Senate Bill 32: Senator Brown;

Senate Bill 46: Senator Brown;

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

Senate Bill 53: Senator Brown;

Senate Bill 56: Senator Brown;

Senate Bill 233: Senator Stollings;

Com. Sub. for Senate Bill 247: Senator Jeffries;

Com. Sub. for Senate Bill 543: Senator Jeffries;

Senate Bill 584: Senator Hamilton;

Senate Bill 593: Senator Beach;

Senate Bill 609: Senator Jeffries;

Senate Bill 614: Senator Martin;

Senate Bill 643: Senator Trump;

Senate Bill 645: Senators Maynard and Phillips;

Senate Bill 646: Senators Stollings, Woelfel, and Caputo;

Senate Joint Resolution 9: Senators Plymale, Stollings, Hamilton, and Baldwin;

Senate Concurrent Resolution 46: Senator Rucker;

Senate Resolution 28: Senators Plymale, Stollings, Baldwin, Jeffries, Hamilton, Lindsay, and Roberts;

And,

Senate Resolution 29: Senators Stollings, Rucker, and Baldwin.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:14 p.m., the Senate adjourned until tomorrow, Thursday, February 17, 2022, at 11 a.m.

SENATE CALENDAR

**Thursday, February 17, 2022
11:00 AM**

UNFINISHED BUSINESS

Com. Sub. for S. C. R. 27 - US Army TSGT Harold William Schmidle Memorial Bridge

Com. Sub. for S. C. R. 38 - Cox Brothers' Veteran Memorial Bridge

S. C. R. 47 - Fire Chief Lee Thomas Memorial Bridge

S. R. 30 - Designating February 17, 2022, as Corrections Day

THIRD READING

Eng. Com. Sub. for S. B. 371 - Authorizing miscellaneous boards and agencies to promulgate legislative rules (original similar to HB4210)

Eng. Com. Sub. for S. B. 574 - Relating to WV PEIA - (With right to amend)

Eng. Com. Sub. for H. B. 3312 - Establishing a memorial to child labor and child workers who died in the course of employment in this state

Eng. H. B. 4308 - Authorizing disclosure of juvenile information to Crime Victims Compensation Fund for investigation and award of benefits - (Com. amend. and title amend. pending) - (With right to amend)

SECOND READING

S. B. 213 - Establishing licensed professional counseling compact

Com. Sub. for Com. Sub. for S. B. 247 - Relating to certified community behavioral health clinics (original similar to HB4374)

Com. Sub. for S. B. 268 - Creating exemption from compulsory school attendance for child who participates in learning pod or micro school

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

Com. Sub. for S. B. 543 - Creating Unemployment Compensation Insurance Fraud Unit within Workforce WV

Com. Sub. for S. B. 584 - Relating to WV Infrastructure and Jobs Development Council (original similar to HB4755)

Eng. H. B. 4048 - WV Keep, Bear and Drive with Arms Act - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 4114 - Authorizing certain agencies of the Department of Administration to promulgate legislative rules

Eng. H. B. 4299 - To prohibit the intentional interference with election processes and creating associated criminal penalties - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 4333 - Relating to the sunset of the Board of Hearing-Aid Dealers and Fitters

FIRST READING

Rev. Com. Sub. for S. B. 221 - Establishing occupational therapy compact (original similar to HB4731)

Com. Sub. for S. B. 274 - Requiring secretary of DHHR to allocate CPS workers by Bureau of Social Services' district annually

S. B. 414 - Creating special revenue account for statewide records management program (original similar to HB4318)

S. B. 480 - Relating to DEP Office of Oil and Gas

Com. Sub. for S. B. 489 - Clarifying amount of deputy sheriff annual salary increase

Com. Sub. for S. B. 494 - Creating Broadband Carrier Neutral and Open Access Infrastructure Development Fund

S. B. 529 - Encouraging additional computer science education in WV schools (original similar to HB4532)

Com. Sub. for S. B. 534 - Clarifying that secondary source on insurance is not controlling authority

S. B. 541 - Requiring homeschooled child's academic assessment be submitted by certain date

Com. Sub. for S. B. 568 - Relating to health insurance loss ratio information

Com. Sub. for S. B. 571 - Declaring certain claims to be moral obligations of state

Com. Sub. for S. B. 573 - Providing system where magistrates shall preside in certain instances outside normal court hours

Com. Sub. for S. B. 575 - Ensuring that imposition of certain sexual offenses apply to persons working in juvenile facilities

Com. Sub. for S. B. 593 - Allowing Marshall University's Forensic Analysis Laboratory access and participation in WV DNA database for certain purposes (original similar to HB4666)

Com. Sub. for S. B. 595 - Relating to Dangerousness Assessment Advisory Board

Com. Sub. for S. B. 598 - Establishing partnerships and aid for at-risk veterans to combat suicide (original similar to HB4606)

Com. Sub. for S. B. 609 - Allowing DOH Commissioner to accept ownership of rented and leased equipment

Com. Sub. for S. B. 611 - Removing cap on bidder's contract bond

S. B. 660 - Setting forth standard of care requirements for telehealth practice

Eng. H. B. 4060 - Repealing outdated sections of code relating to health

Eng. Com. Sub. for H. B. 4369 - Update the telepsychology compact