

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

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

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Charleston, West Virginia, Thursday, February 17, 2022

The Senate met at 11:05 a.m.

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

Prayer was offered by Timothy Meadows, Chaplain, Parkersburg Correctional Center and Jail, Parkersburg, West Virginia, and St. Marys Correctional Center and Jail, St. Marys, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Rollan A. Roberts, a senator from the ninth district.

Pending the reading of the Journal of Wednesday, February 16, 2022,

At the request of Senator Rucker, 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 4002**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-18, relating to the creation of the Certified Sites and Development Readiness Program under the Department of Economic Development; requiring the department to develop evaluation criteria and site certification levels; establishing application processes for program; establishing eligible applicants; allowing the department to select sites for the program from applications; providing for the review of sites and reporting to applicants of the site's readiness; creating two types of grants; allowing the department to choose sites to provide matching grant funds to develop sites included in the program; establishing requirements for the matching grant funding; allowing the department to choose recipients for micro-grants; providing the department the authority to set forth criteria for micro-grants; limiting the amount of funds which may be expended per site; providing for the repayment of funds from matching grants; and creating the Certified Sites and Development Readiness Fund.

Referred to the Committee on Economic Development.

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 4008**—A Bill to amend and reenact §18B-1B-4 of the Code of West Virginia, 1931, as amended, relating to powers and duties of the Higher Education Policy Commission generally; directing the Higher Education Policy Commission, in conjunction with the West Virginia Council for Community and Technical College Education, to propose rules to establish a funding formula model governing its appropriation request to the Legislature regarding distribution of general revenue to the state's institutions of higher education; setting forth parameters for the formula and minimum requirements for the rule; revising and removing certain related commission powers and duties; requiring interim chancellor to meet all criteria required of the chancellor; clarifying the commission and council's responsibilities, in conjunction with the West Virginia Network, to support systemwide technology needs; revising provisions for rulemaking regarding transfers of credits and obtaining academic credit or advanced placement standing based on experience; authorizing commission to promulgate rules, and exercise powers and duties, governing student loans, scholarships, state aid as provided in Chapter 18C of the code; removing requirements to provide education about certain disease; and making non-substantive technical cleanup corrections and clarifying changes.

Referred to the Committee on Education; and then 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 4259**—A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new article, designated §31-15D-1, §31-15D-2, §31-15D-3, §31-15D-4, §31-15D-5, §31-15D-6, §31-15D-7, §31-15D-8, §31-15D-9, §31-15D-10, §31-15D-11, §31-15D-12, §31-15D-13, §31-15D-14, §31-15D-15, §31-15D-16, §31-15D-17, §31-15D-18, §31-15D-19, §31-15D-20, and §31-15D-21, all relating to promoting investment and future growth in small businesses in West Virginia; creating the Small Business Jumpstart Act; defining terms; establishing the transferability of tax credits; establishing the application requirements for small business growth funds; establishing process for approval of the application; providing grounds for the denial of an application; allowing submission of additional information to complete an application following denial; establishing process for Department of Economic Development to notify applicant of approval; creating duties of the fund following approval of application; establishing how an approval may lapse; providing for a tax credit against an entity's state insurance premium tax liability; limiting amount of tax credit; providing for the carryforward of tax credits; prohibiting assignments of tax credit; providing notice to Insurance Commissioner; establishing that entity participating in program not required to pay retaliatory tax; establishing when revocation of tax credit occurs; requiring reporting by small business growth funds; requiring small business growth fund pay fee to Department; establishing process for exiting the program; clarifying that Department cannot revoke tax credit following the fund's exit; and allowing for Department to provide opinions to small business growth fund regarding investment of a small business concern.

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 4351**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-20, relating to the implementation of an acuity-based patient classification system; defining terms; providing for legislative findings; establishing a process to develop a plan; requiring a staffing plan to be reported; providing an exemption from the Freedom of Information Act; and establishing a framework for the staffing plans to be sent.

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

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

**Eng. House Bill 4352**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-6c, relating to an additional modification decreasing federal taxable income; providing for definitions; and providing for net liability under apportionment.

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 4426**—A Bill to repeal §16-2L-1, §16-2L-2, §16-2L-3, §16-2L-4, §16-2L-5, §16-2L-6 and §16-2L-7 of the Code of West Virginia, 1931, as amended; and to repeal §33-25G-1, §33-25G-2, §33-25G-3, §33-25G-4, and §33-25G-5 of said code, all relating to Provider Sponsored Networks.

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

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 4451**—A Bill to amend and reenact §11-6F-6 of the Code of West Virginia, 1931, as amended, all relating to the special method for appraising qualified capital additions to manufacturing facilities, eliminating the requirement that otherwise qualified capital addition be located or installed at or within two miles of a preexisting manufacturing facility; and 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. House Bill 4460**—A Bill to amend and reenact §11-13S-4 and §11-13Y-5 of the Code of West Virginia, 1931, as amended, all relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; defining terms; deleting superannuated language; specifying application of tax credit; specifying effective date; and making stylistic revisions.

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 4465**—A Bill to amend and reenact §11-13W-1 of the Code of West Virginia, 1931, as amended, all relating to the tax credit for apprenticeship training; eliminating the requirement that the credit base be limited to wages paid to apprentices in the construction trades; and 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 4470**—A Bill to amend and reenact §11-15-9n of the Code of West Virginia, 1931, as amended, all relating to the consumers sales and service tax and use tax exemption for qualified purchases of computers and computer software, primary material handling equipment, racking and racking systems, and components, building materials and certain tangible personal property to be incorporated into a qualified, new or expanded warehouse or distribution facility; changing threshold jobs creation number from 300 to 50; and making stylistic changes.

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 4489**—A Bill to amend and reenact §18A-2-7a of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education report certain information to the Statewide Job Bank.

Referred to the Committee on Education.

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

**House Concurrent Resolution 1**—Requesting the Division of Highways name bridge number 03-001/00-008.66 () (03A004), locally known as Falling Rock Br 8.66, carrying CR 1 over Falling Rock Creek in Boone County, the "Alex Perdue Memorial Bridge".

**House Concurrent Resolution 4**—Requesting the Division of Highways name bridge number 23-10/7-0.01(23A048), locally known as the Gillman Bottom Bridge carrying CR 10/7 over Huff Creek in Logan County, West Virginia, the "John B. Short Memorial Bridge".

**House Concurrent Resolution 7**—Requesting the Division of Highways name bridge number: 03-005/00-017.66 (03A042), (38.63616, -81.62303) locally known as Seth Bridge, carrying CR 5 over Big Coal River in Boone County, the "Daniel Edward Kolhton 'Red' Haney Memorial Bridge".

**House Concurrent Resolution 9**—Requesting the Division of Highways name a portion of Rt 85 South, starting at the Van Community Park of the community of Van and ending at the bridge at Clinton Camp Rd in Wharton in Boone County, the "U.S. Army SSG James C. Vickers Silver Star Highway".

**House Concurrent Resolution 13**—Requesting the Division of Highways name a bridge bearing the number 10-060/00-000.32 (10A140), (38.18106, -81.30672) locally known as "Smithers Creek Bridge," carrying US Route 60 over Smithers Ck. & CR 21/15 in Fayette County as the "The Doctor Enrique Aguilar Memorial Bridge".

**House Concurrent Resolution 14**—Requesting the Division of Highways name a stretch of road on WV 46 in Mineral County, east of Keyser between Lime Stone Rd, CR 14 (WV 46, 39.428520472667465, -78.95480521741753) and Fountain Rd (46/11) as the "Colonel Ronald John 'Ron' Chiccehitto Memorial Road".

**House Concurrent Resolution 25**—Requesting the Division of Highways name bridge number 20-061/00-016.01 (20A184), (38.23939, -81.5576) locally known as Lens Creek Temporary Bridge, carrying WV 61 over Lens Creek in Kanawha County, the "SP5 Terry Lee McClanahan Memorial Bridge".

**House Concurrent Resolution 26**—Requesting the Division of Highways name bridge number: 20-060/00-005.59 (WB) (20A336), (38.35826,-81.63989) locally known as US 60 Washington Street Bridge, carrying US 60 over Elk River in Kanawha county, the "Charleston Police Officer Cassie Johnson-Fallen Heroes Memorial Bridge".

**House Concurrent Resolution 36**—Requesting the Division of Highways name bridge number 04-019/00-027.48 () (04A061) locally known as the Bulltown Bridge, carrying US Route 19 over Little Kanawha River in Braxton County, the "John Calvin 'J.C.' Baker Memorial Bridge".

**House Concurrent Resolution 46**—Requesting the Division of Highways name Bridge Number: 45-003/00-014.90 () (45A090), (37.63979,-80.80448) locally known as the Willow Wood Bridge, carrying WV 3 over Greenbrier River in Summers County, the "U. S. Navy Seaman Donald Homer Wheeler Memorial Bridge".

**House Concurrent Resolution 47**—Requesting the Division of Highways name Bridge Number: 50-037/00-030.06 () (50A079), (38.11399,-82.32930) locally known as Lick Creek Bridge, carrying WV 37 over Lick Creek in Wayne County, the "U. S. Army CPL Billy Earl Duty Memorial Bridge".

**House Concurrent Resolution 48**—Requesting the Division of Highways name County Route 5 and County Route 82, known as Lansing-Edmond Road, from its intersection with US 19 to the intersection with County Route 7 in Fayette County, the "WVSP Sgt John S. Syner Memorial Road".

**House Concurrent Resolution 49**—Requesting the Division of Highways name Route 16 beginning at the Fayette County, West Virginia, line and ending at the intersection of Route 16 and Main Street in Mount Hope, Fayette County, West Virginia, by the Siltex Mine Memorial the "Charles M. 'Charlie' Biggs Memorial Highway" in Prince Hill, Fayette County, West Virginia.

**House Concurrent Resolution 50**—Requesting the Division of Highways name the Route 61, locally known as the Fayette Pike Road, beginning at 38.1807020, -81.3175328 and ending

at 38.1796852, -81.2266422, in Montgomery, West Virginia, the "John Ellison Road" in honor of Willie John Ellison.

**House Concurrent Resolution 52**—Requesting the Division of Highways to name a portion of Commerce Street; beginning at the corner of 12th and Commerce Streets and ending at the Department of Highways facility located just north of Kroger in Wellsburg, in Brooke County, the "U. S. Army SGT Roy E. Givens Memorial Road".'

**House Concurrent Resolution 61**—Requesting the Division of Highways name Bridge Number: 28-019/00-020.58 () (28A187), (37.43298, -81.11005) locally known as GARDNER ROAD BRIDGE, carrying US 19 over BLUESTONE RIVER in Mercer County, the "Timothy Wayne Farley Memorial Bridge".

The preceding resolutions were referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 11**, Including family court judges in Judges' Retirement System.

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,

Charles S. Trump IV,  
*Chair.*

The bill, 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 137**, Requiring persons convicted of certain felonies on or after March 8, 1995, provide DNA samples.

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

**Com. Sub. for Senate Bill 137** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-2B-6 of the Code of West Virginia, 1931, as amended, relating to requiring persons convicted of certain felonies since March 9, 1995, provide a DNA sample.

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

**Com. Sub. for Senate Bill 216** (originating in the Committee on Education), Creating Student Journalist Press Freedom Restoration Act.

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

**Com. Sub. for Com. Sub. for Senate Bill 216** (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 §18B-21-1, §18B-21-2, §18B-21-3, and §18B-21-4, all relating to the creation of the Student Journalist Press Freedom Protection Act; making legislative findings; defining terms; requiring that public colleges and universities allow for the free expression of student journalists in school sponsored media; providing a framework and parameters for free expression; allowing for civil actions in the event that a student journalist's rights are violated; specifying the judicial relief available in an appeal; and clarifying that provisions of the article do not apply to students and private colleges or universities.

With the recommendation that the committee substitute for committee substitute 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 226**, Allowing substitute teachers who suspect unfair exclusion from certain assignments to request explanation from certain school officials.

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

**Com. Sub. for Senate Bill 226** (originating in the Committee on Education)—A Bill to amend and reenact §18A-2-3 of the Code of West Virginia, 1931, as amended, relating to requiring that if a substitute teacher requests to meet with the county superintendent due to a suspicion or belief that he or she is being unfairly excluded from certain assignments or all assignments, the county superintendent schedule a meeting with the substitute teacher within 30 days; and limiting frequency of required meetings.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,  
*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 486**, Allowing PERS retirees to designate special needs trust as beneficiary.

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

**Com. Sub. for Senate Bill 486** (originating in the Committee on Pensions)—A Bill to amend and reenact §5-10-2 and §5-10-24 of the Code of West Virginia, 1931, as amended, all relating to irrevocable special needs trusts; allowing retirees in the Public Employees Retirement System to designate an irrevocable special needs trust as beneficiary; defining terms; and providing for substitution of irrevocable special needs trust as beneficiary post retirement in certain circumstances

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric Nelson, Jr.,  
*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 488**, Eliminating restrictions on voting rights for formerly incarcerated individuals.

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

**Com. Sub. for Senate Bill 488** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-2-2 of the Code of West Virginia, 1931, as amended, relating to voting rights of formerly incarcerated individuals; and restoring suffrage for a person incarcerated for a felony conviction upon release.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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



Your Committee on Economic Development has had under consideration

**Senate Bill 523**, Transferring oversight of Jobs Investment Trust Fund to WV Economic Development Authority.

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

**Com. Sub. for Senate Bill 523** (originating in the Committee on Economic Development)—A Bill to repeal §12-7-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §12-7-2, §12-7-3, §12-7-4, §12-7-5, §12-7-6, §12-7-7, §12-7-9, and §12-7-12 of said code; to amend and reenact §31-15-6 of said code; and to amend and reenact §31-18-20c of said code, all relating to management and control of Jobs Investment Trust to be vested in the West Virginia Economic Development Authority; and terminating the Jobs Investment Trust Board.

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,

Chandler Swope,  
*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 Economic Development.

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 535**, Providing for revocation of school personnel certification or licensure in certain circumstances.

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

**Com. Sub. for Senate Bill 535** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §18A-3-6 of the Code of West Virginia, 1931, as amended, relating to revocation of school personnel certification; authorizing the state superintendent to automatically suspend certificates held by a teacher or other certificate holder upon charge or indictment for certain offenses or filing of a petition alleging child abuse; providing for reinstatement of automatically suspended certificate in certain circumstances; extending automatic revocation provisions to certain certificate holders; clarifying that certain revocation provisions are triggered by guilty plea or conviction; providing for automatic revocation of a certificate upon adjudication by a court of competent jurisdiction that a teacher or certificate holder has committed abuse of a child; and providing for reinstatement of automatically revoked certificate when adjudication of abuse of a child is overturned by the Supreme Court of Appeals of West Virginia.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on the Workforce has had under consideration

**Senate Bill 548**, Authorizing Workforce WV employers to obtain employment classifications and work locations.

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

Respectfully submitted,

Rollan A. Roberts,  
*Chair.*

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

Your Committee on the Workforce has had under consideration

**Senate Bill 582**, Creating WV Workforce Resiliency Act.

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

**Com. Sub. for Senate Bill 582** (originating in the Committee on the Workforce)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-33-1, §29-33-2, §29-33-3, and §29-33-4, all relating to creating the West Virginia Workforce Resiliency Act; establishing the West Virginia Workforce Resiliency Office in the Office of the Governor; establishing the position of the West Virginia Workforce Resiliency Officer; setting forth the authority and duties of the West Virginia Workforce Resiliency Officer; and allowing for the West Virginia Workforce Resiliency Officer to hire staff.

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,

Rollan A. Roberts,  
*Chair.*

The bill (Com. Sub. for S. B. 582), under the original double committee reference, was then referred to the Committee on Finance.

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 585**, Creating administrative medicine license for physicians not practicing clinical medicine.

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

**Com. Sub. for Senate Bill 585** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-11c, relating to administrative licenses and granting rule-making authority related thereto.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

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

Your Committee on Economic Development has had under consideration

**Senate Bill 597**, Relating to PSC underground facilities damage prevention and one-call system.

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

Respectfully submitted,

Chandler Swope,  
*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 624**, Making supplementary appropriation to DHHR, Division of Health, Laboratory Services.

**Senate Bill 626**, Supplementing, amending, and increasing existing items of appropriation from State Road Fund to DOT, DMV.

**Senate Bill 627**, Supplementing, amending, and increasing existing item of appropriation from State Road Fund to DOT, DOH.

And,

**Senate Bill 634**, Making supplementary appropriation to DHHR, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations.

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

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

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

Your Committee on Finance has had under consideration

**Senate Bill 625**, Making supplementary appropriation to DHHR, Division of Health, Vital Statistics Account.

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

**Com. Sub. for Senate Bill 625** (originating in the Committee on Finance)—A Bill making a supplementary appropriation of public moneys out of the State Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health - The Vital Statistics Account, fund 5144, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

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

Your Committee on Pensions has had under consideration

**Senate Bill 641**, Requiring Consolidated Public Retirement Board to set contributions to Deputy Sheriff's Retirement System.

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

**Com. Sub. for Senate Bill 641** (originating in the Committee on Pensions)—A Bill to amend and reenact §7-14D-7 of the Code of West Virginia, 1931, as amended, relating to deputy sheriff retirement; allowing the Consolidated Public Retirement Board to set county commission contribution levels; requiring the level to be set actuarially; and providing an effective date.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric Nelson, Jr.,  
*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 3303**, Relating to clarifying the process of filling vacancies on ballots.

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 Senator Woodrum:**

**Senate Bill 661**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-115a, relating to licensure of Head Start facilities in this state; and eliminating duplication of efforts.

Referred to the Committee on Health and Human Resources.

**By Senator Hamilton:**

**Senate Bill 662**—A Bill to amend and reenact §7-25-3, §7-25-5, §7-25-6, §7-25-10, and §7-25-15 of the Code of West Virginia, 1931, as amended, all relating to Resort Area Districts; updating definitions and petition procedures; clarifying board nominees qualifications; permitting board members to receive reasonable compensation for service; detailing procedures for expansion of a Resort Area District and providing for local election; and authorizing districts to collect service assessments from property owners for services.

Referred to the Committee on Economic Development.

**By Senator Caputo:**

**Senate Bill 663**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-15F-1, §33-15F-2, §33-15F-3, §33-15F-4, §33-15F-5, §33-15F-6, and §33-15F-7, all relating to requiring medical insurance providers to include infertility services in their policies; making findings; providing for determination of infertility; providing prohibited and permissible limitations on coverage; requiring rulemaking; establishing an effective date; providing for severability; and defining terms.

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

**By Senator Nelson:**

**Senate Bill 664**—A Bill to amend and reenact §51-9-4 of the Code of West Virginia, 1931, as amended, relating to the retirement system for judges of courts of record; and changing the contribution levels of every person who is serving, and who elects to participate in this retirement

system, on or after July 1, 2014, to no less than three percent and no more than 10 percent of the participant's annual compensation.

Referred to the Committee on Pensions.

**By Senator Woodrum:**

**Senate Bill 665**—A Bill to amend and reenact §3-8-5c, §3-8-9b, and §3-8-10 of the Code of West Virginia, 1931, as amended, all relating to allowing candidate committees and campaign committees to make contributions to affiliated state party executive committees.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 666**—A Bill to amend and reenact §60A-2-204 of the Code of West Virginia, 1931, as amended, all generally relating to regulation of controlled substances; adding the active chemicals in kratom to Schedule I substances; and adding Delta-8 tetrahydrocannabinol to Schedule I.

Referred to the Committee on Health and Human Resources.

**By Senator Plymale:**

**Senate Bill 667**—A Bill to amend and reenact §31G-1A-7 of the Code of West Virginia, 1931, as amended, relating generally to the broadband development fund; relating to creating the Broadband Middle Mile Fund; providing for the administration of the fund, sources of funding for the fund, and the purposes for expenditures from the fund; authorizing expenditures from the fund from collections and pursuant to legislative appropriations; and requiring that any broadband project funded solely by public money be an open access project.

Referred to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 668**—A Bill to amend and reenact §62-12-2 and §62-12-9 of the Code of West Virginia, 1931, as amended, all generally relating to sex offenses; eligibility for probation and parole; conditions on release; clarifying offenses carrying a period of extended supervision; and offenses which limit a convicted person's ability to live in a residence with minor children.

Referred to the Committee on the Judiciary.

**By Senator Jeffries:**

**Senate Joint Resolution 11**—Proposing an amendment to the Constitution of the State of West Virginia, amending and reenacting section 10, article IX thereof, relating to the election of county commissioners, 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.

**By Senator Jeffries:**

**Senate Joint Resolution 12**—Proposing an amendment to the Constitution of the State of West Virginia, amending and reenacting section 6, article XII thereof, relating to the election of school districts, 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.

Senators Stover and Roberts offered the following resolution:

**Senate Concurrent Resolution 48**—Requesting the Division of Highways name bridge number 13-060/29-000.01 (13A271) (37.99398, -80.74791), locally known as Reese Bridge, carrying CR 60/29 over Meadow River in Greenbrier County, the "U.S. Army PFC Ronald Lee Berry Memorial Bridge".

Whereas, PFC Ronald Lee Berry was born on March 26, 1950, in Rainelle, Greenbrier County. He was drafted into the U.S. Army, thus beginning his tour of duty during the Vietnam War. He held the rank of Private First Class and was a Combat Engineer, serving with the 1st Infantry Division, 1st Engineer Battalion; and

Whereas, PFC Ronald Lee Berry died on August 10, 1969, as a result of non-hostile action in South Vietnam, Binh Duong Province. He is honored at the Vietnam Veterans Memorial in Washington, D.C. with his name inscribed on the Vietnam Veterans Memorial Wall, Panel 20w, Line 121; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army PFC Ronald Lee Berry and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 13-060/29-000.01 (13A271), (37.99398, -80.74791), locally known as Reese Bridge, carrying CR 60/29 over Meadow River in Greenbrier County, the "U.S. Army PFC Ronald Lee Berry 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 PFC Ronald Lee Berry Memorial Bridge"; and, be it

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

Which, under the rules, lies over one day.

### **Petitions**

Senator Beach presented a petition from the Faculty Senate of Pierpont Community and Technical College, requesting the Governor remove the current Board of Governors.

Referred to the Committee on Education.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the fourth order of business.

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

Your Committee on Pensions has had under consideration

**Senate Bill 669** (originating in the Committee on Pensions)—A Bill to amend and reenact §51-9-4(b) of the Code of West Virginia, 1931, as amended, relating to a change in the contribution levels of every person who is serving or shall hereafter serves as a judge of any court of record of this state and who elects to participate in this retirement system, on or after July 1, 2014, to no less than three percent and no more than ten percent of the participant's annual compensation.

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,

Eric Nelson, Jr.,  
*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 670** (originating in the Committee on Pensions)—A Bill to amend and reenact §16-5V-6 of the Code of West Virginia, 1931, as amended, relating to the inclusion of newly hired 911 personnel as members of the Emergency Medical Services Retirement System.

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

Respectfully submitted,

Eric Nelson, Jr.,  
*Chair.*

The Senate proceeded to the seventh order of business.

**Com. Sub. for Senate Concurrent Resolution 27**, US Army TSGT Harold William Schmidle Memorial Bridge.

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

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 38**, Cox Brothers' Veteran Memorial Bridge.

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

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

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



**Senate Concurrent Resolution 47**, Fire Chief Lee Thomas Memorial Bridge.

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

**Senate Resolution 30**, Designating February 17, 2022, as Corrections Day.

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

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

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 371**, Authorizing miscellaneous boards and agencies to promulgate legislative rules.

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

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

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

On third reading, coming up in regular order, with the right having been granted on 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.

**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 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 3312 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, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Roberts—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3312) passed with its title.

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

Thereafter, at the request of Senator Beach, and by unanimous consent, the remarks by Senator Caputo as to the passage of Engrossed Committee Substitute for House Bill 3312 were ordered printed in the Appendix to the Journal.

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

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending, and with the right having been granted on yesterday, Wednesday, February 16, 2022, for further amendments to be received on third reading, was read a third time.

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

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

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

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

##### **§14-2A-11a. Application when the victim is the subject of a civil abuse or neglect petition; confidentiality of records.**

(a) An application for benefits on behalf of a minor child who is the subject of a civil abuse and neglect petition may be filed by a foster parent, legal guardian of the minor child, court appointed guardian ad litem, or any person or entity having legal custody of the minor child, including the agency which filed the civil abuse and neglect petition.

(b) All crime victims' compensation fund records and proceedings related to a claim filed on behalf of a minor child who is the subject of a civil abuse and neglect petition are confidential and may not be disclosed to any person who is not a necessary participant in the proceedings. Information, details, and identities of parties in the claim shall not be published, except in the form of statistical reporting, identified only by claim number, as necessary to satisfy the requirements of federal and state law.

##### **§14-2A-14. Grounds for denial of claim or reduction of awards; maximum award.**

(a) Except as provided in §14-2A-10(b) of this code, the commissioner may not approve an award of compensation to a claimant who did not file his or her application for an award of compensation within two years after the date of the occurrence of the criminally injurious conduct that caused the injury or death for which he or she is seeking an award of compensation.

(b) The commissioner may not approve an award of compensation if the criminally injurious conduct upon which the claim is based was not reported to a law-enforcement officer or agency or, in the case of sexual offense, the victim did not undergo a forensic medical examination, within 96 hours after the occurrence of the conduct, unless it is determined that good cause existed for the failure to report the conduct or undergo a forensic medical examination within the 96-hour period: *Provided*, That ~~no~~ reporting to a law-enforcement officer or agency or a forensic medical examination is not required if the victim is a juvenile in order for a commissioner to approve an award of compensation: *Provided, however*, That the filing of a civil abuse and neglect petition in a circuit court satisfies the reporting requirement, thereby allowing the minor child who is the

subject of the petition to file an application for benefits, with the claims process to proceed in accordance with this code. ~~The agency filing the civil abuse and neglect petition shall file an application for benefits on behalf of the minor child~~

(c) The commissioner may not approve an award of compensation to a claimant who is the offender or an accomplice of the offender who committed the criminally injurious conduct, nor to any claimant if the award would unjustly benefit the offender or his or her accomplice.

(d) A commissioner, upon a finding that the claimant or victim has not fully cooperated with appropriate law-enforcement agencies or the claim investigator, may deny a claim, reduce an award of compensation, or reconsider a claim already approved.

(e) A commissioner may not approve an award of compensation if the injury occurred while the victim was confined in any state, county, or regional jail, prison, private prison, or correctional facility.

(f) After reaching a decision to approve an award of compensation, but prior to announcing the approval, the commissioner shall require the claimant to submit current information as to collateral sources on forms prescribed by the Clerk of the West Virginia Legislative Claims Commission. The commissioner shall reduce an award of compensation or deny a claim for an award of compensation that is otherwise payable to a claimant to the extent that the economic loss upon which the claim is based is or will be recouped from other persons, including collateral sources, or if the reduction or denial is determined to be reasonable because of the contributory misconduct of the claimant or of a victim through whom he or she claims. If an award is reduced or a claim is denied because of the expected recoupment of all or part of the economic loss of the claimant from a collateral source, the amount of the award or the denial of the claim shall be conditioned upon the claimant's economic loss being recouped by the collateral source: *Provided*, That if it is thereafter determined that the claimant will not receive all or part of the expected recoupment, the claim shall be reopened and an award shall be approved in an amount equal to the amount of expected recoupment that it is determined the claimant will not receive from the collateral source, subject to the limitation set forth in subsection (g) of this section.

(g)(1) Except in the case of death, or as provided in subdivision (2) of this subsection, compensation payable to a victim and to all other claimants sustaining economic loss because of injury to that victim may not exceed \$35,000 in the aggregate. Compensation payable to all claimants because of the death of the victim may not exceed \$50,000 in the aggregate.

(2) In the event the victim's personal injuries are so severe as to leave the victim with a disability, as defined in Section 223 of the Social Security Act, as amended, as codified in 42 U. S. C. §423, the commission may award an additional amount, not to exceed \$100,000, for special needs attributable to the injury.

(h) If an award of compensation of \$5,000 or more is made to a minor, a guardian shall be appointed pursuant to the provisions of §44-10-1 *et seq.* of this code to manage the minor's estate.

## **ARTICLE 5. RECORD KEEPING AND DATABASE.**

### **§49-5-101. Confidentiality of records; non-release of records; exceptions; penalties.**

(a) Except as otherwise provided in this chapter or by order of the court, all records and information concerning a child or juvenile which are maintained by the Division of Juvenile

~~Services~~ Corrections and Rehabilitation, the Department of Health and Human Resources, a child agency or facility, or court or law-enforcement agency, are confidential and ~~shall~~ may not be released or disclosed to anyone, including any federal or state agency.

(b) Notwithstanding the provisions of subsection (a) of this section or any other provision of this code to the contrary, records concerning a child or juvenile, except adoption records and records disclosing the identity of a person making a complaint of child abuse or neglect, may be made available:

(1) Where otherwise authorized by this chapter;

(2) To:

(A) The child;

(B) A parent whose parental rights have not been terminated; ~~or~~

(C) The attorney of the child or parent; and

(D) The Juvenile Justice Commission and its' designees acting in the course of their official duties;

(3) With the written consent of the child or of someone authorized to act on the child's behalf; ~~or~~ and

(4) Pursuant to an order of a court of record. ~~However,~~ :Provided, That the court shall review the record or records for relevancy and materiality to the issues in the proceeding and safety, and may issue an order to limit the examination and use of the records or any part thereof.

(c) In addition to those persons or entities to whom information may be disclosed under subsection (b) of this section, information related to child abuse or neglect proceedings, except information relating to the identity of the person reporting or making a complaint of child abuse or neglect, shall be made available, upon request, to:

(1) Federal, state, or local government entities, or any agent of those entities, including law-enforcement agencies and prosecuting attorneys, having a need for that information in order to carry out its responsibilities under law to protect children from abuse and neglect;

(2) The child fatality review team;

(3) Child abuse citizen review panels;

(4) Multidisciplinary investigative and treatment teams; or

(5) A grand jury, circuit court, or family court, upon a finding that information in the records is necessary for the determination of an issue before the grand jury, circuit court, or family court; and

(6) The West Virginia Crime Victims Compensation Fund and its designees acting in the course of their official duties.

(d) ~~In the event of~~ If there is a child fatality or near fatality due to child abuse and neglect, information relating to a fatality or near fatality shall be made public by the Department of Health and Human Resources and provided to the entities described in subsection (c) of this section, all under the circumstances described in that subsection. ~~However,~~ :Provided, That information released by the Department of Health and Human Resources pursuant to this subsection may not include the identity of a person reporting or making a complaint of child abuse or neglect. For purposes of this subsection, "near fatality" means any medical condition of the child which is certified by the attending physician to be life threatening.

(e) Except in juvenile proceedings which are transferred to criminal proceedings, law-enforcement records and files concerning a child or juvenile shall be kept separate from the records and files of adults and not included within the court files. Law-enforcement records and files concerning a child or juvenile shall only be open to inspection pursuant to ~~section one hundred three of this article.~~ §49-5-103 of this code.

(f) Any person who willfully violates ~~this~~ the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or confined in jail for not more than six months, or both fined and confined. A person convicted of violating this section is also liable for damages in the amount of \$300, or actual damages, whichever is greater.

(g) Notwithstanding the provisions of this section, or any other provision of this code to the contrary, the name and identity of any juvenile adjudicated or convicted of a violent or felonious crime shall be made available to the public;

(h)(1) Notwithstanding the provisions of this section or any other provision of this code to the contrary, the Division of ~~Juvenile Services~~ Corrections and Rehabilitation may provide access to, and the confidential use of, a treatment plan, court records, or other records of a juvenile to an agency in another state which:

(A) Performs the same functions in that state that are performed by the Division of ~~Juvenile Services~~ Corrections and Rehabilitation in this state;

(B) Has a reciprocal agreement with this state; and

(C) Has legal custody of the juvenile.

(2) A record which is shared under this subsection may only provide information which is relevant to the supervision, care, custody, and treatment of the juvenile.

(3) The Division of ~~Juvenile Services~~ Corrections and Rehabilitation ~~is authorized to~~ may enter into reciprocal agreements with other states and ~~to~~ propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code to implement this subsection; and

(4) Other than the authorization explicitly given in this subsection, this subsection may not be construed to enlarge or restrict access to juvenile records as provided elsewhere in this code.

(i) The records subject to disclosure pursuant to subsection (b) of this section ~~shall~~ may not include a recorded/videotaped interview, as defined in §62-6B-2(6) of this code, the disclosure of which is exclusively subject to ~~the provisions of~~ §62-6B-6 of this code.

(j) Notwithstanding the provisions of subsection (a) of this section, records in the possession of the Division of Corrections and Rehabilitation declared to be confidential by the provisions of subsection (a) of this section may be published and disclosed for use in an employee grievance if the disclosure is done in compliance with subsections (k), (l), and (m) of this section.

(k) Records or information declared confidential by the provisions of this section may not be released for use in a grievance proceeding except:

(1) Upon written motion of a party; and

(2) Upon an order of the Public Employee's Grievance Board entered after an in-camera hearing as to the relevance of the record or information.

(l) If production of confidential records or information is disclosed to a grievant, his or her counsel or representative, pursuant to subsection (k) of this section:

1) The division shall ensure that written records or information is redacted of all identifying information of any juvenile which is not relevant to the resolution of the grievance;

2) Relevant video and audio records may be disclosed without redaction; and

3) Records or other information released to a grievant or his or her counsel or representative pursuant to subsection (k) of this section may only be used for purposes of his or her grievance proceeding and may not be disclosed, published, copied, or distributed for any other purpose, and upon the conclusion of the grievance procedure, returned to the Division of Corrections and Rehabilitation.

(m) If a grievant or the Division of Corrections and Rehabilitation seek judicial review of a decision of the Public Employee's Grievance Board, the relevant confidential records disclosed and used in the grievance proceeding may be used in the appeal proceeding upon entry of an order by the circuit court, the order shall contain a provision limiting disclosure or publication of the records or information to purposes necessary to the proceeding and prohibiting unauthorized use and reproduction.

(n) Nothing in this section may be construed to abrogate the provisions of §29B-1-1 et seq. of this code.

Engrossed House Bill 4308, as just 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, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Roberts—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4308) passed.

At the request of Senator Trump, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the title of the bill was withdrawn.

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

**Eng. House Bill 4308**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §14-2A-11a; to amend and reenact §14-2A-14 of said code; and to amend and reenact §49-5-101 of said code, all relating generally to confidentiality of juvenile records and exceptions thereto; declaring that records in the possession of the Crime Victim Compensation Fund regarding juveniles who are the subject of an abuse or neglect petition are confidential; expanding the class of persons who may apply to the Crime Victim's Fund on behalf of a child who is the subject of a civil abuse and neglect petition; specifying that official records relating to a child or juvenile may be disclosed for evaluation of a Crime Victims' Compensation Fund application; including the Juvenile Justice Commission and its designees acting in the courses of their official duties to the list of persons and entities granted access to confidential juvenile records; granting the West Virginia Crime Victims Compensation Fund and its designees access to certain information related to child abuse or neglect proceedings; granting a current or former employee of the Division of Corrections and Rehabilitation access to relevant juvenile records for purposes of pursuing a grievance; permitting the release of such records only after a hearing to determine relevance, held before the Public Employees Grievance Board; providing for the sealing of such relevant records from public view and the redaction of any identifying information related to the juvenile; placing certain limitations on the grieving party's use of such records; permitting a grieving party's attorney or representative access to such records; requiring records be returned following conclusion of grievance procedure; requiring a court order for any further use of such records outside of the grievance proceeding; requiring that such court orders limit disclosure to the purposes of the proceeding; and clarifying that nothing in the section may be construed to abrogate the Freedom of Information Act.

*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.

**Senate Bill 213**, Establishing licensed professional counseling compact.

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 ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

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

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 268**, Creating exemption from compulsory school attendance for child who participates in learning pod or micro school.

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 ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

**Com. Sub. for Senate Bill 438**, Relating generally to WV Security for Public Deposits 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 543**, Creating Unemployment Compensation Insurance Fraud Unit within Workforce WV.

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 584**, Relating to WV Infrastructure and Jobs Development Council.

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

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

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.

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

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

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

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

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

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

## **ARTICLE 9. OFFENSES AND PENALTIES.**

### **§3-9-21. Improper interference with voters' travel to and from the polls; penalties.**

Any person, during hours a polling place is open for any election, who intentionally physically interferes with a voter's travel on the walkways, driveways, and parking areas adjacent to a



building in which a polling place is located with the intention to delay, hinder, interrupt, harass, or intimidate a voter shall be guilty of a misdemeanor and fined not more than \$1,000 or confined in jail for not more than one year or both fined and confined.

The bill (Eng. H. B. 4299), as amended, was then ordered to third reading.

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

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 right for 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:

**Rev. Com. Sub. for Senate Bill 221**, Establishing occupational therapy compact.

**Com. Sub. for Senate Bill 274**, Requiring secretary of DHHR to allocate CPS workers by Bureau of Social Services' district annually.

**Senate Bill 414**, Creating special revenue account for statewide records management program.

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

**Com. Sub. for Senate Bill 489**, Clarifying amount of deputy sheriff annual salary increase.

**Com. Sub. for Senate Bill 494**, Creating Broadband Carrier Neutral and Open Access Infrastructure Development Fund.

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

**Com. Sub. for Senate Bill 534**, Clarifying that secondary source on insurance is not controlling authority .

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

**Com. Sub. for Senate Bill 568**, Relating to health insurance loss ratio information.

**Com. Sub. for Senate Bill 571**, Declaring certain claims to be moral obligations of state.

**Com. Sub. for Senate Bill 573**, Providing system where magistrates shall preside in certain instances outside normal court hours.

**Com. Sub. for Senate Bill 575**, Ensuring that imposition of certain sexual offenses apply to persons working in juvenile facilities .

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

**Com. Sub. for Senate Bill 595**, Relating to Dangerousness Assessment Advisory Board.

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

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

**Com. Sub. for Senate Bill 611**, Removing cap on bidder's contract bond.

**Senate Bill 660**, Setting forth standard of care requirements for telehealth practice.

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

And,

**Eng. Com. Sub. for House Bill 4369**, Update the telepsychology compact.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Karnes.

The Senate then proceeded to the thirteenth order of business.

Senator Smith called attention to today being the birthday of the senator from Logan and on behalf of the Senate extended felicitations and good wishes to Senator Phillips.

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 16, 2022:

**Senate Bill 252**: Senator Plymale;

**Senate Bill 263**: Senator Maroney;

**Senate Bill 266**: Senator Maroney;

**Senate Bill 424**: Senator Maroney;

**Senate Bill 430**: Senator Maroney;

**Senate Bill 444**: Senator Maroney;

**Senate Bill 468**: Senator Maroney;

**Senate Bill 469**: Senator Maroney;

**Senate Bill 486**: Senator Lindsay;

**Senate Bill 489**: Senator Nelson;

**Senate Bill 494:** Senator Jeffries;

**Senate Bill 571:** Senator Jeffries;

**Senate Bill 647:** Senator Hamilton;

**Senate Bill 652:** Senators Martin, Hamilton, and Smith;

**Senate Bill 659:** Senator Caputo;

**Senate Joint Resolution 10:** Senators Stollings, Caputo, and Lindsay;

**Senate Concurrent Resolution 47:** Senator Jeffries;

And,

**Senate Resolution 30:** Senators Stollings, Plymale, Jeffries, Hamilton, Smith, and Baldwin.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12 Noon, the Senate adjourned until tomorrow, Friday, February 18, 2022, at 9 a.m.

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## **SENATE CALENDAR**

**Friday, February 18, 2022  
9:00 AM**

### **UNFINISHED BUSINESS**

S. C. R. 48 - US Army PFC Ronald Lee Berry Memorial Bridge

### **THIRD READING**

Eng. S. B. 213 - Establishing licensed professional counseling compact - (With right to amend)

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

Eng. Com. Sub. for S. B. 268 - Creating exemption from compulsory school attendance for child who participates in learning pod or micro school - (With right to amend)

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. 438 - Relating generally to WV Security for Public Deposits Act

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

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

Eng. 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) - (With right to amend)

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. title amend. pending)

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

### **SECOND 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

### **FIRST READING**

Com. Sub. for S. B. 137 - Requiring persons convicted of certain felonies on or after March 8, 1995, provide DNA samples

Com. Sub. for Com. Sub. for S. B. 216 - Creating Student Journalist Press Freedom Restoration Act

Com. Sub. for S. B. 226 - Allowing substitute teachers who suspect unfair exclusion from certain assignments to request explanation from certain school officials

- Com. Sub. for S. B. 486 - Allowing PERS retirees to designate special needs trust as beneficiary (original similar to HB4676)
- Com. Sub. for S. B. 488 - Eliminating restrictions on voting rights for formerly incarcerated individuals (original similar to HB4543)
- Com. Sub. for S. B. 523 - Transferring oversight of Jobs Investment Trust Fund to WV Economic Development Authority (original similar to HB4501)
- Com. Sub. for S. B. 535 - Providing for revocation of school personnel certification or licensure in certain circumstances (original similar to HB4503)
- S. B. 548 - Authorizing Workforce WV employers to obtain employment classifications and work locations
- Com. Sub. for S. B. 585 - Creating administrative medicine license for physicians not practicing clinical medicine
- S. B. 597 - Relating to PSC underground facilities damage prevention and one-call system
- S. B. 624 - Making supplementary appropriation to DHHR, Division of Health, Laboratory Services (original similar to HB4752)
- Com. Sub. for S. B. 625 - Making supplementary appropriation to DHHR, Division of Health, Vital Statistics Account (original similar to HB4738)
- S. B. 626 - Supplementing, amending, and increasing existing items of appropriation from State Road Fund to DOT, DMV (original similar to HB4719)
- S. B. 627 - Supplementing, amending, and increasing existing item of appropriation from State Road Fund to DOT, DOH (original similar to HB4739)
- S. B. 634 - Making supplementary appropriation to DHHR, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations (original similar to HB4716)
- Com. Sub. for S. B. 641 - Requiring Consolidated Public Retirement Board to set contributions to Deputy Sheriff's Retirement System
- S. B. 669 - Relating to contributions levels of a judge in this state who elects to participate in retirement system
- S. B. 670 - Permitting newly hired 911 personnel to enroll as members of Emergency Medical Services Retirement System
- Eng. H. B. 3303 - Relating to clarifying the process of filling vacancies on ballots - (Com. amend. and title amend. pending)