

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2022
FORTY-THIRD DAY

Charleston, West Virginia, Wednesday, February 23, 2022

The Senate met at 11:03 a.m.

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

Prayer was offered by Pastor Chuck Kinder, Lay Pastor, Charleston, West Virginia.

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

Pending the reading of the Journal of Tuesday, February 22, 2022,

At the request of Senator Stollings, 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 2096—A Bill to amend and reenact §11-13X-3, §11-13X-4, §11-13X-5, §11-13X-6, §11-13X-8, §11-13X-11, §11-13X-12, and §11-13X-13 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Film Industry Investment Act; reinstating the film investment tax credit; providing the coordination and management by the West Virginia development office; defining development office and multi-state distribution; excluding short-term depreciation from credit; raising the minimum threshold of cumulative annual expenditures necessary to qualify for credit; establishing an annual limit in credits available; requiring the development office to develop a database of locations, music, and other resources to be made available to film production teams; providing development office discretion to determine if project negatively portrays West Virginia; providing effective date; and providing sunset provision.

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 3223—A Bill to amend and reenact §5-6-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §7-3-19; and to amend said code by adding thereto a new section, designated §8-12-22, all relating to prohibiting the dedication or naming any state, county, or municipal building or public structure for a public official who is holding office at the time of the proposed dedication or naming.

Referred to the Committee on Government Organization.

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. House Bill 4019—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5G-16, relating to deadlines for public charter school contract execution and student enrollment application, lottery and enrollment for schools intending to open in school year beginning July 1, 2022, only; and delaying deadlines.

Referred to the Committee on Education.

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

Eng. Com. Sub. for House Bill 4262—A Bill to amend and reenact §21-5-5c and §21-5-5d of the Code of West Virginia, 1931, as amended; all relating to licensure for polygraph examiners; removing state licensure requirements for polygraph examiners; creating national membership requirements for polygraph examiners; and updating criminal penalties associated with removing state licensure.

Referred to the Committee on Government Organization.

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

Eng. House Bill 4566—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22C-1-6a, relating generally to additional powers of the West Virginia Water Development Authority; providing for the creation and administration of the Economic Enhancement Grant Fund; establishing sources of revenue for the fund; allowing administration costs; establishing a matching grant subaccount; establishing an enhancement grant subaccount; providing purposes for the fund and the subaccounts; providing for the participation of the West Virginia Infrastructure and Jobs Development Council, the West Virginia Department of Economic Development and the Secretary of Tourism; authorizing the Water Development Authority to enter into certain grant agreements; and requiring audit process and report to the Legislature.

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 4567—A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended, relating the limiting of the imposition of the municipal business and occupation or privilege tax on the business of selling automobiles to used automobiles only, and stating that any sales proceeds from the sale of new automobiles that have never been registered in the name of an individual are exempt from the municipal business and occupation or privilege tax.

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 4591—A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax.

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 4604—A Bill to amend and reenact §18B-3D-2 of the Code of West Virginia, 1931, as amended, relating to abolishing the Workforce Development Initiative Program advisory council.

Referred to the Committee on Education.

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

Eng. House Bill 4606—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 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 and for the purposes of this article.

Referred to the Committee on Military; 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. Com. Sub. for House Bill 4644—A Bill amend and reenact §19-16A-14 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Pesticide Control Act; and exempting from the requirement of an annual pesticide business license for persons applying products that are generally available through retail sale at groceries, drug stores, and other stores offering a broad variety of consumer products.

Referred to the Committee on Agriculture and Rural Development.

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

Eng. House Joint Resolution 102—Proposing an amendment to the Constitution of the State of West Virginia, amending section 2, article XII thereof, relating to education and the supervision of free schools; clarifying that the policy-making and rule-making authority of the State Board of Education is subject to legislative review, approval, amendment, or rejection; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Senator Takubo requested unanimous consent that the resolution be taken up for immediate consideration.

Which consent was not granted, Senator Baldwin objecting.

Thereafter, on motion of Senator Takubo, the resolution was taken up for immediate consideration, reference to a committee dispensed with, read a first time, and ordered to second reading.

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 23, 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, are the following bills:

House Bill No. Four Thousand Twenty-Four (4024), which was presented to me on February 17, 2022.

Committee Substitute for House Bill No. Four Thousand Sixty-Seven (4067), which was presented to me on February 17, 2022.

Committee Substitute for House Bill No. Four Thousand Two Hundred Seventy-Six (4276), which was presented to me on February 17, 2022.

You will note that I have approved these bills on February 23, 2022.

Sincerely

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

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis



Jim Justice
Governor of West Virginia

February 23, 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 Two Hundred Sixty-Four (4264), which was presented to me on February 22, 2022.

You will note that I have approved this bill on February 23, 2022.

Sincerely,

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

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis

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

The Senate proceeded to the fourth order of business.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 22nd 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 H. B. 3312), Establishing a memorial to child labor and child workers who died in the course of employment in this state.

And,

(H. B. 4264), Change designation of Glenville State College to "Glenville State University".

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.

Dean Jeffries,
Chair, House Committee.

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 23rd day of February, 2022, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 445), Modifying police and firemen's pension plans for trustees.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.

Dean Jeffries,
Chair, House Committee.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 71, Prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, or other legal requirements.

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

Com. Sub. for Senate Bill 71 (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 §21-5J-1, §21-5J-2, §21-5J-3, and §21-5J-4, all relating to prohibiting political subdivisions from

enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements; providing a short title; defining terms; prohibiting political subdivisions from adopting, enforcing, or administering certain local requirements; clarifying effect on prior written agreements; providing that any prohibited local requirement in effect prior to the effective date is void; clarifying effect on lawfully enacted zoning ordinances; clarifying that article does not apply to municipal solid waste or recycling collection programs; clarifying that article does not apply to employees of a political subdivision; and clarifying effect on the West Virginia Alcohol and Drug-Free Workplace Act and certain similar requirements.

And,

Senate Bill 466, Relating to limitations on civil actions or appeals brought by inmates.

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

Com. Sub. for Senate Bill 466 (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 §25-1A-9, relating to limitations on civil actions or appeals brought by inmates by prohibiting an inmate to proceed in forma pauperis in civil actions when an inmate has, on three or more prior occasions, had a civil action or appeal dismissed on the grounds that the action was frivolous, malicious, or failed to state a claim upon which relief may be granted, unless permitted by a circuit court; exempting civil actions where an inmate alleges imminent danger of serious physical injury and states with particularity the factual basis of the assertion; and further exempting actions where the inmate seeks habeas relief relating solely to the propriety of custody.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
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 420, Relating to distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments.

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

Com. Sub. for Senate Bill 420 (originating in the Committee on Government Organization)—A Bill to amend and reenact §29-3E-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-3-14d and §33-3-33 of said code, all relating generally to the distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments; defining terms; providing the method of allocation and distribution for proceeds of the fireworks safety fee deposited in the Fire Protection Fund; eliminating obsolete language; increasing certain policy surcharge; establishing effective date for policy surcharge increase; requiring the State Fire Marshal provide certain information to the State Treasurer; and clarifying the requirements for distribution of funds in the Fire Protection Fund.

And,

Senate Bill 648, Relating to Cable Television Systems Act.

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

Com. Sub. for Senate Bill 648 (originating in the Committee on Government Organization)—
A Bill to amend and reenact §24D-1-14 and §24D-1-17 of the Code of West Virginia, 1931, as amended, all relating to the Public Service Commission and the Cable Television Systems Act; requiring paper bill to be provided to subscriber at no charge; mandating cable operator to prorate charges for canceled services; adopting Federal Communications Commission customer service and technical standards; and requiring certain cable operators to operate an in-state customer call center.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Mark R. Maynard,
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 434, Updating authority to airports for current operations.

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

Com. Sub. for Senate Bill 434 (originating in the Committee on Government Organization)—
A Bill to amend and reenact §8-28-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-29-1, §8-29-2, §8-29-3, §8-29-4, §8-29-5, §8-29-6, §8-29-8, §8-29-9, §8-29-12, §8-29-17, and §8-29-20 of said code; to amend and reenact §8-29A-2; and to amend and reenact §8-29B-2, §8-29B-3, and §8-29B-5 of said code, all relating to defining abandoned aircraft and providing for the disposal of such abandoned aircraft; to increasing the cost of violations for pedestrian traffic near airports and airport rules and regulations; updating certain terms and definitions; adding the term "international airport" and "vertiport" to certain areas of the code; adding to the authority of airports; addressing composition of county airport authority; and updating retirement information.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 434), under the original double committee reference, was then referred to the Committee on the Judiciary.

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 468, Creating Unborn Child with Down Syndrome Protection and Education Act.

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

Com. Sub. for Senate Bill 468 (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 §16-2Q-1, §16-2Q-2, §16-2Q-3, §16-2Q-4, §16-2Q-5, §16-2Q-6, §16-2Q-7, §16-2Q-8, §16-2Q-9, §16-2Q-10, §16-2Q-11, and §16-2Q-12, all relating to creating the Unborn Child with Down Syndrome Protection and Education Act; providing for a short title; defining terms; creating dissemination of information on fetal disabilities; providing for informational publications by department; providing that abortion may not be performed because of a disability, including Down syndrome except in the case of a medical emergency; providing reporting forms; providing professional sanctions and civil penalties; providing for additional enforcement; providing for construction of the act; creating severability; providing for the right of intervention; and providing for an effective date.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

The bill (Com. Sub. for S. B. 468), 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 485, Authorizing DNR to enter certain third-party contracts.

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

Com. Sub. for Senate Bill 485 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-5-15 and §20-5-16 of the Code of West Virginia, 1931, as amended, relating to the authority of the Division of Natural Resource to enter into certain contracts; increasing term of initial and renewal contracts for operation of certain facilities; authorizing certain contracts for certain facilities at all state parks and forests; reducing term of renewal contracts for operation of certain facilities; and requiring director to notify Joint Committee of contracts for certain facilities.

And,

Senate Bill 562, Creating Adopt-A-Trail volunteer programs for public land under DNR jurisdiction.

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

Com. Sub. for Senate Bill 562 (originating in the Committee on Natural Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-23, relating to authorizing Adopt-A-Trail volunteer programs for public lands under the jurisdiction of the Division of Natural Resources; providing for activities to be performed by volunteer groups; requiring volunteer project agreements with the division; requiring certain requirements in agreements; establishing minimum requirements for volunteer organizations; establishing certain limitations on activities performed by volunteer groups; and providing for project coordination and removal and disposal of trash and other items.

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

Respectfully submitted,

Bill Hamilton,
Chair.

The bills (Com. Sub. for S. B. 485 and 562), under the original double committee references, were then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 522, Combining offices of WV State Americans with Disabilities Act and WV Equal Employment Opportunity.

Com. Sub. for Senate Bill 536, Relating generally to controlled substance criminal offenses.

And,

Com. Sub. for Senate Bill 582, Creating WV Workforce Resiliency Act.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 603, Prohibiting licensure and re-licensure in WV if applicant is prohibited from practicing in another jurisdiction.

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

Respectfully submitted,

Michael J. Maroney,
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 610, Relating to duties, powers and responsibilities of DOT Secretary.

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

Com. Sub. for Senate Bill 610 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-2-1 and §17-2-2, all relating to the duties, powers, and responsibilities of the Secretary of the Department of Transportation; defining terms; and specifying duties, powers, and responsibilities of the Secretary of the Department of Transportation.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Charles H. Clements,
Chair.

The bill (Com. Sub. for S. B. 610), under the original double committee reference, was then referred to the Committee on the Judiciary.

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 638, Changing hearing and notice provisions for failing or distressed public utilities.

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

Respectfully submitted,

Mark R. Maynard,
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 644, Creating Charter Schools Stimulus Fund.

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,

Patricia Puertas Rucker,
Chair.

The bill, 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 647, Prohibiting discrimination in organ donation process.

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

Com. Sub. for Senate Bill 647 (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 §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.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Michael J. Maroney,
Chair.

The bill (Com. Sub. for S. B. 647), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration

Senate Bill 654, Creating exceptions to WV Invests Grant eligibility requirement.

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

Com. Sub. for Senate Bill 654 (originating in the Committee on Education)—A Bill to amend and reenact §18C-9-5 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Invests Grant; creating exceptions to the West Virginia Invests Grant eligibility requirement that the individual has not been previously awarded a post-secondary degree; requiring that the community service requirement for renewal be waived for recipients who are members of the armed forces of the United States or the West Virginia National Guard during the enrollment period; and providing for reimbursement to certain grant recipients that have repaid a grant and related expenses charged for failure to meet the community service requirement.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Rucker, unanimous consent being granted, the bill (Com. Sub. for S. B. 654) contained in the preceding report from the Committee on Education was then referred to the Committee on Finance.

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

Your Committee on Education has had under consideration

Senate Bill 658, Providing for salary supplement and expense reimbursements for licensed school psychologist.

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,

Patricia Puertas Rucker,
Chair.

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

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

Your Committee on Military has had under consideration

Senate Bill 672, Exempting certain military veterans and their dependents from payment of tuition and fees.

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,

Ryan W. Weld,
Chair.

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

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

Your Committee on Education has had under consideration

Senate Bill 676, Relating to use of personal leave days by teachers.

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 Rucker, unanimous consent being granted, the bill (S. B. 676) contained in the preceding report from the Committee on Education was then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Senate Bill 694, Relating to oil and gas conservation.

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

Com. Sub. for Senate Bill 694 (originating in the Committee on Finance)—A Bill to amend and reenact §22C-9-1, §22C-9-2, §22C-9-3, §22C-9-4, and §22C-9-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22C-9-7a, all relating to oil and gas conservation; modifying the membership of the Oil and Gas Conservation Commission; expanding duties of the Commission; providing further declaration of public policy and legislative findings; defining terms; establishing a horizontal well unit application process; requiring certain conditions be met prior to approval of an application; providing for a hearing on the application; setting out factors for considering in the hearing; providing for notice; providing for an independent third party review; setting forth timeframes; providing for a horizontal well unit order; defining order terms; providing for options for non-leased mineral interest owners; providing options for nonconsenting operators; allowing for modification of the horizontal well unit order; providing for compensation for unknown and unlocatable mineral interest owners; establishing a process for surface owners to acquire mineral interest of unknown or unlocatable interest owners; and modifying rulemaking

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
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 698, Relating to number and selection of members for Governor's Veterans Council.

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

Com. Sub. for Senate Bill 698 (originating in the Committee on Military)—A Bill to amend and reenact §9A-1-2 of the Code of West Virginia, 1931, as amended, relating to the number and selection of members for the Governor's Veterans Council.

And,

Senate Bill 701, Including children and spouses of deceased active-duty officers in eligibility for War Orphan Education Program.

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

Com. Sub. for Senate Bill 701 (originating in the Committee on Military)—A Bill to amend and reenact §18-19-2 of the Code of West Virginia, 1931, as amended, relating to the eligibility of an active-duty service member's child or spouse for tuition-free education through the War Orphan Education Program.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Ryan W. Weld,
Chair.

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

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

Senate Bill 713 (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §22-1-15 of the Code of West Virginia, 1931, as amended, relating to removing the statutory limit of \$300,000.00 for the Environmental Laboratory Certification Fund and to allow field tests and remote monitoring or testing equipment to be certified by the laboratory certification program.

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

Respectfully submitted,

Randy E. Smith,
Chair.

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

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

Senate Bill 714 (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §22A-6-7 of the Code of West Virginia, 1931, as amended, relating to tie votes by the Coal Mine Safety and Technical Review Committee; and providing that the Director of the Office of Miners' Health, Safety, and Training or his or her designee may vote to break the tie.

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

Respectfully submitted,

Randy E. Smith,
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 34, USMC SGTMAJ Herman H. Brawner Memorial Bridge.

Senate Concurrent Resolution 37, Harrison County Veterans Memorial Bridge.

And,

House Concurrent Resolution 28, Cpt. Billy Jake Smith Memorial Bridge.

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

Respectfully submitted,

Charles H. Clements,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 45, US Army CPL John D. Doyle, Sr. Memorial Road.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 45 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 10-017/00-001.40 (10A062), (37.97567, -81.11939), locally known as the Arbuckle Creek Bridge in Fayette County, the "U.S. Army CPL John D. Doyle, Sr. Memorial Bridge".

Whereas, John D. Doyle, Sr. was born on August 20, 1913, in Minden and raised in that community where he and his mother Katherine Doyle were members of the Saints Peter and Paul Roman Catholic Church. He graduated from Collins High School in Oak Hill and went to work at the New River and Pocahontas Coal Company in Minden; and

Whereas, Answering his nation's call, CPL John D. Doyle, Sr. entered military service on October 15, 1942. He was assigned to the Armor Corps where he was trained as a tank crewman. He was ultimately deployed to the European Theater of Operations and fought in the North Africa, Sicily, and Italy campaigns; and

Whereas, During the invasion of Italy CPL John D. Doyle, Sr. was assigned to Company A, 751st Tank Battalion which landed at Anzio. On May 23, 1944, during the breakout operations, CPL John D. Doyle, Sr. was killed in action in Italy when his tank was severely damaged by enemy fire; and

Whereas, CPL John D. Doyle, Sr. was initially interred in an Allied Cemetery in Italy and later repatriated in 1949 to America and West Virginia where he lays to rest today at the High Lawn Memorial Park in Oak Hill; and

Whereas, It is fitting that an enduring memorial be established to commemorate CPL John D. Doyle Sr. and his ultimate sacrifice to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 10-017/00-001.40 (10A062), (37.97567, -81.11939), locally known as the Arbuckle Creek Bridge in Fayette County, the "U.S. Army CPL John D. Doyle, Sr. Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the bridge as the "U.S. Army CPL John D. Doyle, Sr. 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 committee substitute be adopted.

Respectfully submitted,

Charles H. Clements,
Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 4126, Authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 4307, Increase some benefits payable from Crime Victims Compensation Fund.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; 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, with an amendment from the Committee on the Judiciary pending.

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

House Concurrent Resolution 30, U.S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge.

And has amended same.

And,

House Concurrent Resolution 59, "Warrant Officer James G. Bosley Memorial Bridge."

And has amended same.

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

Respectfully submitted,

Charles H. Clements,
Chair.

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

The Senate proceeded to the seventh order of business.

Senate Resolution 38, Supporting Bilateral Trade Agreement between United States and Taiwan.

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

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Trump regarding the adoption of Senate Resolution 38 were ordered printed in the Appendix to the Journal.

At the request of Senator Takubo, unanimous consent being granted, at 11:40 a.m., the Senate recessed to present Senate Resolution 38.

The Senate reconvened at 11:44 a.m. and resumed business under the seventh order.

Senate Resolution 39, Recognizing Emergency Conservation Act.

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, reference to a committee dispensed with, and adopted.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 230, Relating generally to public employees grievance procedure.

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

Pending discussion,

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

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

Having been read a third time on February 17, 2022, and now coming up in regular order, was reported by the Clerk.

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

Eng. Com. Sub. for Senate Bill 470, Relating generally to health care decisions.

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. 470) passed.

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

Eng. Com. Sub. for Senate Bill 470—A Bill to amend and reenact §16-30-3, §16-30-4, §16-30-5, §16-30-10, §16-30-13, §16-30-19, §16-30-21, and §16-30-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-30C-5 of said code, all relating to health care decisions; defining terms; renaming the physician orders for scope of treatment as portable orders for scope of treatment and indicating that advanced practice registered nurses and physician assistants may complete them within their scope of practice; revising forms of a living will, medical power of attorney, and combined medical power of attorney and living will; removing availability of living will and combined medical power of attorney and living will for persistent vegetative state; providing clarifying language regarding the effect of signing a living will; providing clarifying language in living will that oral food and fluids must be provided as desired and tolerated; providing reciprocity for portable orders for scope of treatment or similar medical orders validly executed in another state; providing that forms executed prior to effective date of this bill remain in full force and effect; and providing for effective date.

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 489, Clarifying amount of deputy sheriff annual salary increase.

On third reading, coming up in regular order, was reported by the Clerk.

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

Eng. Com. Sub. for Senate Bill 553, Relating to powers of WV Health Care Authority.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 553) 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 556, Removing outdated reference to federal officers' peace-keeping authority.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 556) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 556) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 586, Relating to athletic eligibility of transfer students.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, February 22, 2022, for amendments to be received on third reading, was read a third time.

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

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

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-25e. Athletic eligibility of transfer students.

(a) The West Virginia Secondary School Activities Commission shall modify its rule, prior to the 2022-2023 school year, to allow students to transfer schools and retain athletic eligibility one time during a student's four years of secondary school, inclusive of grades nine through 12. The West Virginia Secondary School Activities Commission may promulgate an emergency rule, if necessary, to modify its rule prior to the 2022-2023 school year.

(b) The State Board of Education, in its review and approval of the West Virginia Secondary School Activities Commission's rule described in this section, shall ensure that the rule modification achieves the intent of this section to not require a student to undergo one year of athletic ineligibility if the student transfers secondary schools during or after the student's ninth grade year.

(c) Nothing in this section is intended to limit or restrict a student transferring more than one time for the following reasons:

(1) A student transferring back to the student's residential district and participating in athletics as currently permitted by the West Virginia Secondary School Activities Commission's rules;

(2) The West Virginia Secondary School Activities Commission's ability to make eligibility determinations on a case-by-case basis when warranted by a student's circumstances in accordance with the West Virginia Secondary School Activities Commission's rules; or

(3) For any other reason permitted under the rules of the West Virginia Secondary School Athletics Commission.

Following discussion,

The question being on the adoption of Senator Weld's amendment to the bill (Com. Sub. for S. B. 586), the same was put and prevailed.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 586 was then put upon its passage.

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

The nays were: Baldwin, Caputo, and Romano—3.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 586) passed.

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

Eng. Com. Sub. for Senate Bill 586—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25e, relating to allowing students to transfer schools and retain their athletic eligibility one time during a student's four years of secondary school; requiring West Virginia Secondary School Activities Commission to modify its rule; authorizing emergency rule; requiring State Board of Education to ensure rule does not require student to undergo one year of athletic ineligibility upon transfer after ninth grade; clarifying effect on multiple transfers for certain reasons.

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

Eng. Senate Bill 619, Relating to rulemaking for unidentified and unclaimed remains in possession of Chief Medical Examiner.

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. 619) 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 628, Supplementing and amending appropriations to Department of Commerce, DNR.

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 elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 628) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 628) 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 629, Supplementing and amending appropriations to Department of Education, WV BOE, Vocational Division.

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 elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 629) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 629) 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 630, Supplementing and amending appropriations to Higher Education Policy Commission, Administration – Control Account.

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

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

The nays were: Beach—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 630) passed with its title.

Senator Takubo moved that Engrossed Senate Bill 630 be made effective from passage and requested unanimous consent that the roll call used on the passage of the bill be used to make it so effective.

Which consent was not granted, Senator Beach objecting.

Thereafter, Senator Takubo moved that the bill take effect from passage.

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

The nays were: Beach—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 630) 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 633, Supplementing and amending appropriations to DHHR, Consolidated Medical Services Fund.

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 elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 633) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 633) 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 636, Supplementing and amending appropriations to Department of Revenue, Office of Tax Appeals.

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

Senator Jeffries requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that Senator Jeffries should be excused from voting on any matter pertaining to the bill and, without objection, Senator Jeffries was 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, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: None.

Excused from voting: Jeffries—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 636) 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, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: None.

Excused from voting: Jeffries—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 636) 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 637, Supplementing and amending appropriations to Executive, Governor's Office – Civil Contingent Fund.

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 elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 637) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 637) 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 639, Providing 45-day waiting period on rate increases when water and sewer services are purchased from municipality.

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. 639) 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 640, Eliminating requirement of PSC to send certain recommended decisions by certified mail.

On third reading, coming up in regular order, was reported by the Clerk.

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

Eng. Com. Sub. for Senate Bill 643, Removing residency requirement of members appointed to county airport authority.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 643) 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. 643) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 650, Eliminating number of royalty owners required for utilization by operator for lawful use and development by co-tenants.

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, Beach, Boley, Brown, Clements, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: Baldwin, Caputo, Geffert, Romano, and Sypolt—5.

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. 650) passed.

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

Eng. Com. Sub. for Senate Bill 650—A Bill to amend and reenact §37B-1-4 of the Code of West Virginia, 1931, as amended, relating generally to altering the applicability of the Cotenancy Modernization and Majority Protection Act; eliminating the pre-condition for applicability of the act which requires seven or more royalty owners; and correcting internal citations.

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

Eng. Senate Bill 651, Allowing county BOE participating in operation of multicounty vocational center to withdraw.

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 651 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Clements, Geffert, Grady, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Brown, Caputo, Hamilton, and Romano—4.

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. 651) 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 660, Setting forth standard of care requirements for telehealth practice.

On third reading, coming up in regular order, was reported by the Clerk.

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

Eng. Senate Bill 685, Relating to WV Real Estate License Act.

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

Senators Woodrum and Baldwin, respectively, requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Woodrum and Baldwin would be as members of a class of persons and that they would be required to vote.

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. 685) 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 463, Best Interests of Child Protection Act of 2022.

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 622, Establishing requirements for carbon dioxide sequestration.

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 588, Relating to WV Rails to Trails Program.

And,

Com. Sub. for Senate Bill 616, Relating to confidentiality of court files and law-enforcement records of certain enumerated offenses.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Weld, Karnes, Romano, Grady, Lindsay, and Baldwin.

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

At the request of Senator Martin, unanimous consent being granted, the remarks by Senator Karnes were ordered printed in the Appendix to the Journal.

At the request of Senator Lindsay, and by unanimous consent, the remarks by Senator Romano were ordered printed in the Appendix to the Journal.

At the request of Senator Caputo, unanimous consent being granted, the remarks by Senator Lindsay 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 22, 2022:

Senate Bill 621 Senator Brown.

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 22, 2022:

Senate Bill 420: Senators Nelson, Caputo, and Woodrum;

Senate Bill 432: Senator Lindsay;

Senate Bill 434: Senators Takubo, Swope, Lindsay, and Woodrum;

Senate Bill 468: Senator Azinger;

Senate Bill 645: Senator Hamilton;

Senate Bill 647: Senator Nelson;

Senate Bill 648: Senator Phillips;

Senate Bill 672: Senators Grady, Lindsay, Smith, and Hamilton;

Senate Bill 690: Senator Lindsay;

Senate Bill 692: Senator Caputo;

Senate Bill 698: Senators Lindsay and Hamilton;

Senate Bill 701: Senators Caputo, Grady, and Smith;

Senate Bill 704: Senator Maroney;

Senate Joint Resolution 9: Senator Lindsay;

Senate Concurrent Resolution 2: Senator Caputo;

Senate Concurrent Resolution 8: Senator Lindsay;

Senate Concurrent Resolution 18: Senator Lindsay;

Senate Concurrent Resolution 26: Senator Lindsay;

Senate Concurrent Resolution 30: Senator Lindsay;

Senate Concurrent Resolution 31: Senator Lindsay;

Senate Concurrent Resolution 32: Senator Lindsay;

Senate Concurrent Resolution 34: Senator Karnes;

Senate Concurrent Resolution 35: Senator Lindsay;

Senate Concurrent Resolution 36: Senator Lindsay;

Senate Concurrent Resolution 37: Senator Lindsay;

Senate Concurrent Resolution 39: Senator Lindsay;

Senate Concurrent Resolution 40: Senator Lindsay;

Senate Concurrent Resolution 41: Senator Lindsay;

Senate Concurrent Resolution 42: Senator Lindsay;

Senate Concurrent Resolution 47: Senator Lindsay;

Senate Concurrent Resolution 48: Senator Lindsay;

Senate Resolution 32: Senators Lindsay, Rucker, and Caputo;

Senate Resolution 33: Senators Lindsay and Caputo;

Senate Resolution 35: Senator Lindsay;

Senate Resolution 36: Senator Lindsay;

Senate Resolution 37: Senators Lindsay and Rucker;

Senate Resolution 38: Senators Jeffries, Lindsay, Baldwin, Stollings, Rucker, and Phillips;

And,

Senate Resolution 39: Senators Jeffries and Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 1 p.m., the Senate adjourned until tomorrow, Thursday, February 24, 2022, at 11 a.m.

SENATE CALENDAR

**Thursday, February 24, 2022
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 34 - USMC SGTMAJ Herman H. Brawner Memorial Bridge
- S. C. R. 37 - Harrison County Veterans Memorial Bridge
- Com. Sub. for S. C. R. 45 - US Army CPL John D. Doyle, Sr. Memorial Road
- H. C. R. 28 - Cpt. Billy Jake Smith Memorial Bridge
- H. C. R. 30 - U.S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge. - (Com. amends. pending)
- H. C. R. 59 - Warrant Officer James G. Bosley Memorial Bridge - (Com. amends. pending)

THIRD READING

- Eng. Com. Sub. for S. B. 230 - Relating generally to public employees grievance procedure
- Eng. Com. Sub. for S. B. 371 - Authorizing miscellaneous boards and agencies to promulgate legislative rules (original similar to HB4210)
- Com. Sub. for S. B. 463 - Best Interests of Child Protection Act of 2022 - (With right to amend) (original similar to HB4316)
- Eng. Com. Sub. for S. B. 489 - Clarifying amount of deputy sheriff annual salary increase
- Eng. Com. Sub. for S. B. 622 - Establishing requirements for carbon dioxide sequestration
- Eng. S. B. 640 - Eliminating requirement of PSC to send certain recommended decisions by certified mail (original similar to HB4769)
- Eng. S. B. 660 - Setting forth standard of care requirements for telehealth practice

SECOND READING

- Com. Sub. for S. B. 588 - Relating to WV Rails to Trails Program
- Com. Sub. for S. B. 616 - Relating to confidentiality of court files and law-enforcement records of certain enumerated offenses
- Eng. H. J. R. 102 - Clarifying that the policy-making and rule-making authority of the State Board of Education is subject to legislative review, approval, amendment, or rejection

FIRST READING

- Com. Sub. for S. B. 71 - Prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, or other legal requirements

Com. Sub. for S. B. 420 - Relating to distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments (original similar to HB4279)

Com. Sub. for S. B. 466 - Relating to limitations on civil actions or appeals brought by inmates

Com. Sub. for S. B. 522 - Combining offices of WV State Americans with Disabilities Act and WV Equal Employment Opportunity (original similar to HB4500)

Com. Sub. for S. B. 536 - Relating generally to controlled substance criminal offenses (original similar to HB4493)

Com. Sub. for S. B. 582 - Creating WV Workforce Resiliency Act (original similar to HB4574)

S. B. 603 - Prohibiting licensure and re-licensure in WV if applicant is prohibited from practicing in another jurisdiction

S. B. 638 - Changing hearing and notice provisions for failing or distressed public utilities

Com. Sub. for S. B. 648 - Relating to Cable Television Systems Act

Com. Sub. for S. B. 694 - Relating to oil and gas conservation

Com. Sub. for S. B. 698 - Relating to number and selection of members for Governor's Veterans Council

Com. Sub. for S. B. 701 - Including children and spouses of deceased active-duty officers in eligibility for War Orphan Education Program

S. B. 713 - Removing statutory limit for Environmental Laboratory Certification Fund

S. B. 714 - Relating to tie votes by Coal Mine Safety and Technical Review Committee

Eng. Com. Sub. for H. B. 4126 - Authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules - (Com. amend. pending)