

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE  
REGULAR SESSION, 2023  
THIRD DAY

---

Charleston, West Virginia, Friday, January 13, 2023

The Senate met at 9 a.m.

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

Prayer was offered by Luke McKenzie, County Administrator, Mineral County Commission, Keyser, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Eric J. Tarr, a senator from the fourth district.

Pending the reading of the Journal of Thursday, January 12, 2023,

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

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

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

Accountancy, Board of (§30-1-12)

Acupuncture, Board of (§30-1-12)

Administration, Department of (State Building Commission Fund) (§5-6-1)

Architects, Board of (§30-1-12)

Barbers and Cosmetologists, Board of (§30-1-12)

Broadband Enhancement Council (§31G-1-4)

Chiropractic Examiners, Board of (§30-1-12)

Contractor Licensing Board (§30-1-12)

Counseling, Board of Examiners in (§30-1-12)

Dentistry, Board of (§30-1-12)

Economic Development, Department of (Neighborhood Investment Program) (§11-13J-4a)

Environmental Protection, Department of (Waiver Report) (§22-6A-2)

Forestry, Division of (Logging Sediment Control Act) (§19-1B-13)

Funeral Service Examiners, Board of (§30-1-12)

Geological and Economic Survey (§29-2-6)

Health and Human Resources, Department of (Breast and Cervical Cancer Screening Program) (§16-33-6)

Homeland Security, Department of (Community Corrections Act) (§62-11C-3)

Homeland Security, Department of (Justice Reinvestment Initiative) (§62-15-6a)

Homeland Security, Department of (Law-Enforcement Professional Standards Subcommittee/Program) (§30-29-3)

Housing Development Fund (Audited Financial Statements) (§31-18-24)

Insurance Commissioner, Offices of the (Office of Consumer Advocate) (§33-2-16)

Insurance Commissioner, Offices of the (Occupational Pneumoconiosis Board) (§23-1-17)

Investment Management Board (Annual Report) (§12-6-14)

Investment Management Board (Audited Financial Statements) (§12-6-6)

Investment Management Board (Schedule of Investment Performance) (§12-6-6)

James "Tiger" Morton Catastrophic Illness Commission (§16-5Q-2)

Jobs Investment Trust Board (Annual Investment Analyses) (§12-7-12)

Landscape Architects, Board of (§30-1-12)

Massage Therapy Licensure Board (§30-1-12)

Miners' Health, Safety, and Training, Office of (§22A-1-4)

Motor Vehicles, Division of (Motor Vehicle Alcohol and Drug Test and Lock Program) (§17C-5A-3a)

Motor Vehicles, Division of (Motorcycle Safety and Awareness Program) (§17B-1D-8)

Motor Vehicles, Division of (Safety and Treatment Program) (§17C-5A-3)

Municipal Pensions Oversight Board (Municipal Policemen's and Firemen's Pension and Relief Funds) (§8-22-20a)

Natural Resources, Division of (§20-1-7)

Nursing Home Administrators Licensing Board (§30-1-12)

Osteopathic Medicine, Board of (§30-1-12)

Personnel, Division of (§29-6-7)

Pharmacy, Board of (§30-1-12)

Physical Therapy, Board of (§30-1-12)

Professional Engineers, Board of Registration for (§30-1-12)

Psychologists, Board of Examiners of (§30-1-12)

Real Estate Appraiser Licensing and Certification Board (§30-1-12)

Real Estate Commission (§30-1-12)

Registered Nurses, Board of (§30-1-12)

Respiratory Care, Board of (§30-1-12)

Social Work, Board of (§30-1-12)

Special Investigations, Commission on (§4-5-2)

Speech-Language Pathology and Audiology, Board of Examiners for (§30-1-12)

Treasury Investments, Board of (Annual Comprehensive Financial Report) (§12-6-6)

Veterinary Medicine, Board of (§30-1-12)

Water Development Authority (§22C-1-17)

The Senate proceeded to the fourth order of business.

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

Your Committee on Education has had under consideration

**Senate Bill 41**, Establishing minimum student enrollment for school aid formula.

And,

**Senate Bill 56**, Relating to employment of retired bus operators as substitutes in areas of critical need and shortage.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

The bills, under the original double committee references, were 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 83**, Authorizing tactical medical professionals to carry firearms.

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

**Com. Sub. for Senate Bill 83** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §30-29-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-43-1, §30-43-2, and §30-43-3, all relating to tactical medical professionals; defining terms; authorizing to carry firearms; training and certification requirements; and protecting from civil or criminal liability.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senator Caputo:**

**Senate Bill 163**—A Bill to amend and reenact §3-3-1 and §3-3-2 of the Code of West Virginia, 1931, as amended, all relating to absentee voting; removing specifications for permission to vote by absentee ballot; and allowing all voters to request and vote by absentee ballot.

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

**By Senator Caputo:**

**Senate Bill 164**—A Bill to amend and reenact §6B-2-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting members of the Legislature and part-time public officials from having an interest in public contracts under certain circumstances; requiring certain disclosures; and requiring the Ethics Commission to conduct oversight and make a public statement in certain circumstances.

Referred to the Committee on Government Organization.

**By Senator Caputo:**

**Senate Bill 165**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-13MM-6, and §11-13MM-7, all relating generally to creating a personal income tax credit for nurses in West Virginia; providing for definitions; providing for a tax credit for nurses for personal income tax in a taxable year; providing for a tax credit limitation of \$5,000 for a single person; providing for a tax credit limitation of \$10,000 of persons filing tax returns jointly under certain conditions; providing that the tax credit for nurses must be used in the taxable year and cannot be carried forward; providing for documentation of eligibility for the tax credit; providing for required contents of the documentation evidencing eligibility for the tax credit; providing that the form must be sent to the Tax Commissioner to receive the tax credit; providing for rule-making authority; providing for reporting at certain time; and providing for an effective date.

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

**By Senator Caputo:**

**Senate Bill 166**—A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended, relating to reemployment after retirement by public employees; and increasing the maximum compensation that may be earned by certain retired public employees who accept legislative per diem, temporary full-time, or temporary part-time employment from a participating employer without suspending his or her retirement annuity.

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

**By Senator Caputo:**

**Senate Bill 167**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16A-17-1, §16A-17-2, §16A-17-3, §16A-17-4, §16A-17-5, §16A-17-6, §16A-17-7, §16A-17-8, and §16A-17-9, all relating to legalizing cannabis production, sales, and adult consumption; providing legislative purpose and findings; defining terms; legalizing the possession of one ounce or less of cannabis and cannabis products by adults; authorizing production, sales, transfer, and transport of cannabis upon passing county referendums; providing procedure for county commissions to authorize county referendum on legislation of production and sales; establishing mechanisms for permitting and licensing production and sales facilities by the Bureau for Public Health and localities; authorizing the Bureau for Public Health to promulgate rules, establish licensing, and administrative penalties relating to the production, sales, transfer, and transport of cannabis in authorizing counties; authorizing the Department of Revenue to promulgate rules and administer tax collections; authorizing localities to regulate manufacturing and sales locations; authorizing a special excise tax on cannabis; creating a new fund and dedicating proceeds of the fund; authorizing county local sales tax to be collected and used for the benefit of county and municipal governments; providing current laws relating to employment, vehicle operation, underage use, or private property use preserved; and establishing that the operation of this article is not intended to alter the West Virginia Medical Cannabis Act.

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

**By Senator Phillips:**

**Senate Bill 168**—A Bill to amend and reenact §11-13A-3 of the Code of West Virginia, 1931, as amended, relating to providing an exemption from the state severance tax for coal sold to coal-fired power plants located within the state of West Virginia.

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

**By Senator Caputo:**

**Senate Bill 169**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-11G-1, relating to requiring exhibitors of motion pictures who operate two or more theatres in more than one location in this state to provide open captioning during at least two showings per week of each motion picture that is produced and offered with open captioning; and requiring, when requested, audio description be provided for any motion picture that is produced and offered with audio description.

Referred to the Committee on Economic Development; and then to the Committee on the Judiciary.

**By Senator Caputo:**

**Senate Bill 170**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2a, relating to increasing transparency in the apportionment process for congressional and legislative districts; defining procedures to enhance public access and participation in the development of such districts; and establishing a period for public comment on district maps to be voted on by the Legislature prior to their adoption.

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

**By Senator Phillips:**

**Senate Bill 171**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, §11-13MM-10, and §11-13MM-11, all relating to establishing a road or highway infrastructure improvement projects or coal production and processing facilities tax credit for taxpayers subject to the tax imposed by West Virginia code; specifying a short title; specifying legislative findings and purpose for new credit; defining terms; specifying the amount of the credit, application of credit, and carry forward of unused credit; requiring filing of application for road or highway infrastructure improvement project credit as condition precedent to claiming credit; specifying procedure for application for certification, contents of application and limitation on maximum amount of credits which can be approved; specifying computation of qualified investment in coal production and processing facilities; allowing transfer of credits to successors; providing for forfeiture of unused tax credits and redetermination of credit allowed; providing penalties for failure to maintain records of qualified property; and establishing an effective date.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 172**—A Bill to amend and reenact §62-12-12 of the Code of West Virginia, 1931, as amended, relating generally to the board of parole; increasing the number of members on the

board from nine to 12; establishing qualifications for members appointed after July 1, 2023; and removing the party affiliation limitation.

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

**By Senator Caputo:**

**Senate Bill 173**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9A-1-10a, relating to paying a monthly allotment to certain veterans.

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

**By Senator Caputo:**

**Senate Bill 174**—A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-16B-6e of said code; to amend and reenact §33-16-3v of said code; to amend and reenact §33-24-7k of said code; and to amend and reenact §33-25A-8j of said code, all relating to increasing the required insurance coverage for autism spectrum disorders.

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

**By Senator Caputo:**

**Senate Bill 175**—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 Trump:**

**Senate Bill 176**—A Bill to amend and reenact §11-21-71b of the Code of West Virginia, 1931, as amended, relating to allowing the Tax Commissioner to process certain early refunds; and providing a certain effective date.

Referred to the Committee on Government Organization.

**By Senator Trump:**

**Senate Bill 177**—A Bill to amend and reenact §48-19-105 of the Code of West Virginia, 1931, as amended, relating to increasing minimum salaries for Bureau for Child Support Enforcement attorneys.

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

**By Senator Rucker:**

**Senate Bill 178**—A Bill to amend and reenact §17C-5A-3 of the Code of West Virginia, 1931, as amended, relating to the addition of grievance and appellate procedures and judicial review

for individuals participating in, or who have participated in, the Division of Motor Vehicles' Safety and Treatment Program; and authorizing the Commissioner of the Division of Motor Vehicles to promulgate a rule to add such procedures and judicial review for participants of the Safety and Treatment Program.

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

**By Senator Trump:**

**Senate Bill 179**—A Bill to amend and reenact §60A-2-204, 60A-2-206, 60A-2-210, and 60A-2-212 of the Code of West Virginia, 1931, as amended, all relating to controlled substances, adding the following to the schedule I substance list: N-Methylnorfentanyl(N-(1-Methyl-4-piperidinyl)-N-phenyl-propanamide, monohydrochloride); Norfentanyl (N-Phenyl-N-4-piperidinyl-propanamide); 3-Hydroxy-phencyclidine (other name hydroxy PCP); Marijuana (Cannabis, sp.); FDU-PB-22 (1-Naphthyl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate); FUB-PB-22 (Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate); 5-Fluoro-MN-24 (1-(5-Fluoropentyl)-N-(naphthalen-1-yl)-1H-indole-3-carboxamide); MN-24 (N-(naphthalen-1-yl)-1-pentyl-1H-indole-3-carboxamide); SDB-005 (Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate); SDB-006 (1-Pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide); Methyl-Ethylaminopentiophenone; FUB-AMB (Methyl(1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate); 5-Fluoro-SDB-005 Indole (Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate); 5F-AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide); MMB-CHMICA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoat); MN-24 (N-(naphthalen-1-yl)-1-pentyl-1H-indole-3-carboxamide); SDB-005 (Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate); SDB-006 (1-Pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide); Ethcathinone (2-(ethylamino)-1-phenyl-1-propanone, monohydrochloride); Methyl-Ethylaminopentiophenone; FUB-AMB (Methyl(1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate); 5-Fluoro-SDB-005 Indole (Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate);5F-AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide); MMB-CHMICA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoat); Bromazolam (8-bromo-1-methyl-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Clonazolam (6-(2-chlorophenyl)-1-methyl-8-nitro-4 H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Cloniprazepam (5-(2-chlorophenyl)-1-(cyclopropylmethyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one); Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine); Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flubromazepam (7-bromo-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one); Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flunitrazolam (6-(2-fluorophenyl)-1-methyl-8-nitro-4H-benzof[f][1,2,4]triazolo[4,3-a][1,4]diazepine); Nifoxipam (5-(2-fluorophenyl)-1,3-dihydro-3-hydroxy-7-nitro-2H-1,4-benzodiazepin-2-one); Nitrazolam (1-methyl-8-nitro-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Pyrazolam (8-bromo-1-methyl-6-(2-pyridinyl)-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); 4-CN-CUMYL-BUTINACA (1-(4-Cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide); Alpha-Phenylacetoacetonitrile (3-Oxo-2-phenylbutanenitrile); 2-Fluoro Deschloroketamine (2-(2-Fluorophenyl)-2-(methylamino)-cyclohexanone, monohydrochloride); 4-MEAP (2-(Ethylamino)-1-(4-methylphenyl)pentan-1-one); Bromazolam (8-bromo-1-methyl-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Clonazolam (6-(2-chlorophenyl)-1-methyl-8-nitro-4 H-[1,2,4]triazolo[4,3 a][1,4]benzodiazepine); Cloniprazepam (5-(2-chlorophenyl)-1-(cyclopropylmethyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one); Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine); Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flubromazepam (7-bromo-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one); Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-



4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flunitrazolam (6-(2-fluorophenyl)-1-methyl-8-nitro-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine); Nifoxipam (5-(2-fluorophenyl)-1,3-dihydro-3-hydroxy-7-nitro-2H-1,4-benzodiazepin-2-one); Nitrazolam (1-methyl-8-nitro-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Pyrazolam (8-bromo-1-methyl-6-(2-pyridinyl)-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Declazepam (7-Chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2H-1,4-benzodiazepin-2-one); Deschloroetizolam (2-Ethyl-9-methyl-4-phenyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine); Ethcathinone (2-(ethylamino)-1-phenyl-1-propanone, monohydrochloride); Alpha-PHP (1-Phenyl-2-(pyrrolidin-1-yl)hexan-1-one); MPHP (1-(4-Methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one); PV8 (1-Phenyl-2-(pyrrolidin-1-yl)heptan-1-one); 4-Chloro-Alpha-PVP (1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one); N-Ethylhexedrone (2-(Ethylamino)-1-phenylhexan-1-one); Methoxetamine (2-(Ethylamino)-2-(3-methoxyphenyl)-cyclohexanone); 3-Fluorophenmetrazine (2-(3-Fluorophenyl)-3-methylmorpholine); adding the following to the schedule II list: Norfentanyl; Oliceridine; adding the following to the schedule IV list: Lemborexant; Remimazolam; Serdexmethylphenidate; and removing Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid] from the schedule V list.

Referred to the Committee on Health and Human Resources.

**By Senator Trump:**

**Senate Bill 180**—A Bill to amend and reenact §15-2-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia State Police; and providing that troops shall be allocated by the superintendent to counties based on the 2020 Census.

Referred to the Committee on Government Organization.

**By Senator Caputo:**

**Senate Bill 181**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, relating to enacting the Closed Captioning Act; requiring public places that have televisions for use by the public to have at least one half of those televisions to have their closed captioning feature activated at all times; providing an exception; defining terms; and establishing an effective date.

Referred to the Committee on Government Organization.

**By Senator Martin:**

**Senate Bill 182**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-8H-1, §31A-8H-2, §31A-8H-3, and §31A-8H-4, all relating to unlawful discriminatory practices by a financial institution or government entity against manufacturers, retailers, distributors, shooting ranges, or trade associations that support or are engaged in the lawful commerce of firearms, firearms accessories, or ammunition products; authorizing a declaratory judgment action to be brought by the Attorney General in the name of the state; and providing for an award of monetary damages and costs and other remedies against the violators including potential discontinuance of business by the state with these violators.

Referred to the Committee on the Judiciary.

**By Senator Martin:**

**Senate Bill 183**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-34-1, §22-34-2, §22-34-3, §22-34-4, and §22-34-5, all relating generally to creating the Natural Resources Anti-Commandeering Act; stating legislative findings; prohibiting agencies of this state and political subdivisions or employees thereof from

knowingly and willingly participating in the enforcement of any federal act, law, order, rule, or regulation relating to coal, oil, gas, timber, or other extractive resources which do not exist under the laws of this state; prohibiting assets or funds of the state from being used in activity assisting enforcement of any federal act, law, order, rule, or regulation relating to coal, oil, gas, timber, or other extractive resources which do not exist under the laws of this state; providing penalties therefore; and providing for severability.

Referred to the Committee on Agriculture and Natural Resources; and then to the Committee on the Judiciary.

**By Senator Martin:**

**Senate Bill 184**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-10a, relating to declaring the sale, repair, maintenance, and manufacture of firearms, ammunition, and related accessories and components, to be essential businesses and services for the purposes of safety and security in times of declared emergency or any other statutorily authorized responses to disaster, war, acts of terrorism, riot or civil disorder, or other emergencies; prohibiting specific governmental regulation of firearms, ammunition, components or accessories of any kind or nature, or their use or possession; extending the expiration date of concealed license during emergencies; creating an action for damages, injunctive relief, declaratory relief, or other appropriate redress for the unlawful seizure or confiscation of firearms or related accessories and components; and providing for civil damages.

Referred to the Committee on the Judiciary.

**By Senator Martin:**

**Senate Bill 185**—A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to prohibiting public entities, including state, county, and municipal buildings and facilities, places of public accommodation, and commercial facilities from installing or maintaining a parking meter in an accessible parking space bearing the international symbol of access.

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

**By Senator Caputo:**

**Senate Bill 186**—A Bill to repeal §21-5G-1, §21-5G-2, §21-5G-3, §21-5G-4, §21-5G-5, §21-5G-6, and §21-5G-7 of the Code of West Virginia, 1931, as amended, relating to worker affiliation with a labor organization.

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

**By Senator Clements:**

**Senate Bill 187**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-8B-11b, relating to creating new criminal offenses of sexual contact with, sexual intrusion, or sexual abuse of students by a school employee; and listing the penalties for these offense.

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

**By Senator Trump:**

**Senate Bill 188**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2N-1, §5B-2N-2, §5B-2N-3, and §5B-2N-4; to amend said code by adding thereto a new section, designated §22-5-11b; and to amend and reenact §22B-1-7 of said code, all relating generally to the Grid Stabilization and Security Act of 2023; providing for a short title; making legislative findings and declarations; requiring designation of suitable sites for natural gas electric generation and reporting to the Division of Air Quality of the West Virginia Department of Environmental Protection and the West Virginia Public Service Commission; requiring construction and operating permits for natural gas electric generation facilities, including expedited consideration; and requiring prompt consideration of appeals by the Air Quality Board concerning natural gas electric generation facility permits.

Referred to the Committee on Economic Development.

**By Senator Phillips:**

**Senate Bill 189**—A Bill to amend and reenact §17A-13-1 of the Code of West Virginia, 1931, as amended, relating to allowing special purpose vehicles access to any public road that is not a limited access road.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Phillips:**

**Senate Bill 190**—A Bill to amend and reenact §20-2-27 of the Code of West Virginia, 1931, as amended, relating to wildlife resources; and allowing the children and grandchildren of a landowner in West Virginia to hunt and fish on the private land regardless of residency status without a permit or license, hunt and fish on their own land during open seasons in accordance with laws and rules.

Referred to the Committee on Agriculture and Natural Resources.

**By Senator Trump:**

**Senate Bill 191**—A Bill to amend and reenact §62-11C-9 of the Code of West Virginia, 1931, as amended, relating to liability for payment of court costs as a condition of a pretrial diversion agreement; and correcting a reference to a code section governing pretrial diversion agreements.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 192**—A Bill to amend and reenact §36-12-11 of the Code of West Virginia, 1931, as amended, relating to the Uniform Real Property Transfer on Death Act; and when revocation of a transfer is permitted.

Referred to the Committee on the Judiciary.

**By Senator Chapman:**

**Senate Bill 193**—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting Social Security benefits from state personal income taxation for tax years beginning on or after January 1, 2023.

Referred to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 194**—A Bill to amend and reenact §61-11-18 of the Code of West Virginia, 1931, as amended, relating to general provisions concerning crimes; providing for penalty for second or third offense of a felony; and correcting an error in the code citation.

Referred to the Committee on the Judiciary.

**By Senator Rucker:**

**Senate Bill 195**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, and §18-2L-4, all relating to the creation of the Ready-to-Use Glucagon Rescue Therapies for Schools Act; defining terms; prescribing ready-to-use undesignated glucagon rescue therapies; and training for school personnel.

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

**By Senator Stuart:**

**Senate Bill 196**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-66-1, §16-66-2, §16-66-3, §16-66-4, §16-66-5, §16-66-6, and §16-66-7, all relating to the creation of the Substance Abuse Intervention Act; providing for a short title; providing for involuntary treatment for a substance use disorder and setting forth the rights of a patient; establishing criteria for involuntary treatment; creating a petition for 60-day and 360-day involuntary treatment and a guarantee for costs; providing for proceedings for involuntary treatment; describing the duties of court and disposition; setting forth a 72-hour emergency involuntary treatment; describing the failure to attend examination; setting forth a summons; and describing transportation to hospital or psychiatric facility.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 197**—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, §21-5J-4, §21-5J-5, §21-5J-6, §21-5J-7, §21-5J-8, §21-5J-9, and §21-5J-10, all relating to creating a paid parental leave pilot program; providing findings and purpose; defining terms; paid parental leave and requirements for claiming benefits; requiring employer to continue group health insurance coverage for employee; employment benefits and seniority position upon return from leave; benefits not to accrue during period of leave; employers required to respond to survey to Department of Labor; requiring department to report to Joint Committee on Government Organization; authorizing emergency rulemaking authority; and providing December 31, 2027, sunset.

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

**By Senator Hamilton:**

**Senate Bill 198**—A Bill to amend and reenact §16-4D-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-4D-5, all relating to requiring counties to register automated external defibrillators (AEDs) with the Office of Emergency Medical Services; and providing a penalty when a county fails to register such a device.

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

**By Senator Hamilton:**

**Senate Bill 199**—A Bill to amend and reenact §5A-3-10 of the West Virginia Code, 1931, as amended, relating to requiring certain purchases of commodities and services from non-profit workshops; and requiring the director consult with the Committee on the Purchase of Commodities and Services from the Handicapped in making purchasing decisions.

Referred to the Committee on Government Organization.

**By Senator Hamilton:**

**Senate Bill 200**—A Bill to amend and reenact §20-2-5j of the Code of West Virginia, 1931, as amended, relating to allowing leashed dogs to track wounded elk, turkey, bear, and wild boar while hunting.

Referred to the Committee on Agriculture and Natural Resources.

**By Senator Oliverio:**

**Senate Bill 201**—A Bill to amend and reenact §11-6B-3 and §11-6B-7 of the Code of West Virginia, 1931, as amended, all relating to increasing the Homestead Property Tax Exemption for homeowners.

Referred to the Committee on Finance.

**By Senator Hamilton:**

**Senate Bill 202**—A Bill to amend and reenact §20-1-4 of the Code of West Virginia, 1931, as amended, relating to increasing the appointment term of the director for the Division of Natural Resources from four to seven years.

Referred to the Committee on Agriculture and Natural Resources.

**By Senator Trump:**

**Senate Bill 203**—A Bill to amend and reenact §17C-5A-3a of the Code of West Virginia, 1931, as amended, relating to modifying the minimum requirements for motor vehicle alcohol and drug test and lock systems.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 204**—A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to increasing the salary of teachers in West Virginia to the minimum amount of those with the equivalent of eight years or more experience.

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

**By Senator Clements:**

**Senate Bill 205**—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto eight new sections, designated as §17A-3-14a, §17A-3-14b, §17A-3-14c, §17A-3-14d, §17A-3-14e, §17A-3-14f, §17A-3-14g, and §17A-

3-14h, all relating to registration plates in general; authorizing special registration plates; establishing fees; and reorganizing operative code provision for ease of administration.

Referred to the Committee on Transportation and Infrastructure.

**By Senators Deeds and Hamilton:**

**Senate Bill 206**—A Bill to amend and reenact §7-14D-2 of the Code of West Virginia, 1931, as amended, relating to increasing the retirement benefit multiplier of the Deputy Sheriff Retirement System Act from two and one-half percent to three percent of the member's final average salary multiplied by the member's years of credited service.

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

**By Senator Jeffries:**

**Senate Bill 207**—A Bill to amend and reenact §5B-2-4a of the Code of West Virginia, 1931, as amended, relating to the state allocation of funding to regional councils; and eliminating the maximum state allocation allowed to each eligible regional council.

Referred to the Committee on Economic Development.

**By Senator Caputo:**

**Senate Bill 208**—A Bill to amend and reenact §30-29-5a of the Code of West Virginia, 1931, as amended, relating to criminal justice training for all law-enforcement officers and correction officers regarding individuals with autism spectrum disorders; providing for development of course instruction; defining terms; and requiring that all current law-enforcement officers receive the course of basic training for appropriate interaction with and response to individuals with autism spectrum disorders.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 209**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12m, relating to personal income tax deductions; and permitting resident individuals to deduct medical expenses not reimbursed by an insurance policy.

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

**By Senator Phillips:**

**Senate Bill 210**—A Bill to amend and reenact §11-13A-6a of the Code of West Virginia, 1931, as amended, relating to providing that all coal severance tax shall be provided to the county that produced the coal.

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

**By Senator Clements:**

**Senate Bill 211**—A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to a permanent windshield placard to be valid for the duration of the applicant's life.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Woodrum:**

**Senate Bill 212**—A Bill to amend and reenact §17A-10-3c of the Code of West Virginia, 1931, as amended, relating to the rebate of \$50 for the registration of hybrid cars.

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

**By Senator Clements:**

**Senate Bill 213**—A Bill to amend and reenact §30-29-8 of the Code of West Virginia, 1931, as amended, relating to responsibility for reimbursement of training costs of law-enforcement employees who leave original jurisdiction of employment for employment in another law-enforcement agency in this state.

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

**By Senator Woodrum:**

**Senate Bill 214**—A Bill to amend and reenact §17-22-4 of the Code of West Virginia, 1931, as amended, relating to prohibiting certain advertising by adult entertainment and exotic entertainment venues on public billboards in West Virginia.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 215**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5A-6D-1, §5A-6D-2, and §5A-6D-3; and to amend said code by adding thereto a new section, designated §8-39-2, all relating to the creation of the No TikTok on Government Devices Act; providing for a definition; providing for enactment of the article; and prohibiting TikTok on municipality and county owned computers and devices.

Referred to the Committee on Government Organization.

**By Senator Woodrum:**

**Senate Bill 216**—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to requiring all schools to instruct students on the Holocaust and other genocides.

Referred to the Committee on Education.

**By Senator Chapman:**

**Senate Bill 217**—A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to strengthening the definition of shelter for animals exposed to extreme weather; clarifying the minimum requirements for what constitutes a shelter; and clarifying what does not amount to a shelter.

Referred to the Committee on Agriculture and Natural Resources; and then to the Committee on the Judiciary.

**By Senator Oliverio:**

**Senate Bill 218**—A Bill to amend and reenact §3-5-1 and §3-5-3 of the Code of West Virginia, 1931, as amended, relating to providing for a presidential preference primary election in presidential election years to be held on the second Tuesday of February; conducting; providing for administration of presidential primary elections; and providing for rulemaking authority by the Secretary of State;

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

**By Senator Woodrum:**

**Senate Bill 219**—A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §9-5-31; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3rr; to amend said code by adding thereto a new section, designated §33-24-7x; to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating to requiring medically necessary care and treatment to address congenital anomalies associated with cleft lip and cleft palate; setting forth eligibility age; required coverage; exclusions; coverage terms; and effective date.

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

**By Senator Woodrum:**

**Senate Bill 220**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-66-1, §16-66-2, §16-66-3, §16-66-4, §16-66-5, and §16-66-6, all relating to the creation of the Kratom Consumer Protection Act; regulating the preparation, distribution, and sale of kratom products; prohibiting the preparation, distribution, and sale of adulterated or contaminated kratom products; prescribing fines and penalties; and providing for the powers and duties of certain state governmental officers and entities.

Referred to the Committee on the Judiciary.

**By Senator Clements:**

**Senate Bill 221**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-4-11, relating to creating a title clearinghouse for nonresident businesses; authorizing the Division of Motor Vehicles to regulate participation in the clearinghouse; authorizing the Division of Motor Vehicles to set fees for participants; and authorizing fleet registration.

Referred to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 222**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-19e, relating to requiring the State Superintendent of Schools to create an adult education taskforce to consider options for direct funding of adult education learning centers; and providing for membership of the taskforce, hearings, rulemaking, and report to the Legislature with recommendations.

Referred to the Committee on Education.



Senators Karnes and Hamilton offered the following resolution:

**Senate Concurrent Resolution 3**—Requesting the Division of Highways name a portion of Route 92, beginning at point 38.359565, -79.880861 and ending at point 38.163267, -79.980827, in Pocahontas County, the "Dr. Roland P. Sharp Memorial Road".

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Resolution 4**, WV Academy of Nutrition and Dietetics.

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

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

**Senate Resolution 5**, Honoring public service of Dr. Richard Lechlitter for Mineral County Day.

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

At the request of Senator Smith, 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 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 bills on January 12, 2023:

**Senate Bill 37:** Senator Hamilton;

**Senate Bill 38:** Senator Hamilton;

And,

**Senate Bill 39:** Senator Hamilton.

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 January 12, 2023:

**Senate Bill 1:** Senator Maroney;

**Senate Bill 2:** Senator Rucker;

**Senate Bill 4:** Senators Maroney and Woodrum;

**Senate Bill 9:** Senators Rucker, Woodrum, and Azinger;

**Senate Bill 10:** Senators Rucker, Hamilton, Barrett, Woodrum, Hunt, and Azinger;

**Senate Bill 11:** Senator Woodrum;

- Senate Bill 12:** Senators Rucker and Woodrum;
- Senate Bill 24:** Senators Hamilton;
- Senate Bill 26:** Senator Maroney;
- Senate Bill 27:** Senator Rucker;
- Senate Bill 32:** Senator Rucker;
- Senate Bill 53:** Senators Woodrum and Woelfel;
- Senate Bill 59:** Senator Woodrum;
- Com. Sub. for Senate Bill 65:** Senators Hamilton and Stuart;
- Senate Bill 66:** Senator Hamilton;
- Senate Bill 70:** Senator Rucker;
- Senate Bill 72:** Senator Woelfel;
- Senate Bill 74:** Senator Rucker;
- Senate Bill 77:** Senator Caputo;
- Senate Bill 78:** Senator Woelfel;
- Com. Sub. for Senate Bill 79:** Senators Hamilton and Woelfel;
- Senate Bill 83:** Senator Hamilton;
- Senate Bill 88:** Senator Caputo;
- Senate Bill 89:** Senator Woodrum;
- Senate Bill 91:** Senator Caputo;
- Senate Bill 92:** Senator Rucker;
- Senate Bill 100:** Senator Woodrum;
- Senate Bill 101:** Senator Woelfel;
- Senate Bill 102:** Senators Woodrum and Woelfel;
- Senate Bill 103:** Senator Woodrum;
- Senate Bill 104:** Senator Woodrum;
- Senate Bill 105:** Senators Hamilton and Woodrum;

- Senate Bill 107:** Senator Caputo;
- Senate Bill 125:** Senators Hamilton, Maroney, and Woodrum;
- Senate Bill 126:** Senators Hamilton, Maroney, and Woodrum;
- Senate Bill 128:** Senator Woodrum;
- Senate Bill 129:** Senator Woodrum;
- Senate Bill 130:** Senator Maroney;
- Senate Bill 131:** Senators Hamilton and Maroney;
- Senate Bill 132:** Senator Maroney;
- Senate Bill 133:** Senator Hamilton;
- Senate Bill 134:** Senator Maroney;
- Senate Bill 135:** Senators Hamilton and Maroney;
- Senate Bill 137:** Senators Hamilton and Woodrum;
- Senate Bill 139:** Senators Hamilton and Maroney;
- Senate Bill 141:** Senator Maroney;
- Senate Bill 142:** Senator Maroney;
- Senate Bill 143:** Senator Maroney;
- Senate Bill 147:** Senator Maroney;
- Senate Bill 149:** Senator Maroney;
- Senate Bill 153:** Senators Roberts, Deeds, and Woodrum;
- Senate Bill 154:** Senators Stuart and Deeds;
- Senate Bill 155:** Senators Roberts, Grady, and Deeds;
- Senate Bill 157:** Senator Clements;
- Senate Bill 158:** Senators Caputo, Grady, and Woelfel;
- Senate Bill 159:** Senator Rucker;
- Senate Bill 160:** Senators Barrett, Plymale, Maroney, Woodrum, and Woelfel;
- Senate Joint Resolution 1:** Senator Woodrum;

**Senate Joint Resolution 2:** Senator Caputo;

And,

**Senate Joint Resolution 6:** Senators Rucker, Stuart, Smith, Maroney, and Caputo.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Takubo, at 9:08 a.m., the Senate adjourned until Monday, January 16, 2023, at 11 a.m.

---

**SENATE CALENDAR**

**Monday, January 16, 2023  
11:00 AM**

**UNFINISHED BUSINESS**

S. C. R. 3 - Dr. Roland P. Sharp Memorial Road

**FIRST READING**

Com. Sub. for S. B. 83 - Authorizing tactical medical professionals to carry firearms