

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2023
NINTH DAY

Charleston, West Virginia, Thursday, January 19, 2023

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Dick Corbin, Director of Church Relations, Union Mission of West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Randy E. Smith, a senator from the fourteenth district.

Pending the reading of the Journal of Wednesday, January 18, 2023,

At the request of Senator Clements, 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, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2526—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto three new sections, designated §11-21-4g, §11-21-4h, and §11-21-4i; and to amend and reenact §11-21-93 of said code, all relating to reducing the personal income tax; providing for reduced graduated income tax rates; reducing the rate of tax on composite returns; reducing the rate of withholding tax on nonresident income; reducing the rate of withholding tax on the nonresident sale of real estate; reducing the rate of withholding on gambling winnings; applying reduced rates retroactively to January 1, 2023; applying additional reduced rates on January 1, 2024 and January 1, 2025; requiring deposits of surplus revenues into personal income tax reserve fund; and generally providing effective dates.

Referred to the Committee on Finance.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 10, Campus Self-Defense Act.

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

Com. Sub. for Senate Bill 10 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §18B-1-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4 of said code; to amend and reenact §18B-2A-4 of said code; to amend and reenact §18B-2B-6 of said code; and to amend said code by adding thereto a new section, designated §18B-4-5b, all relating generally to carrying concealed pistol or revolver; regulating the carrying of a concealed pistol or revolver by a person who holds a current license to carry a concealed deadly weapon on the property of a public institution of higher education; authorizing the carrying of concealed pistols or revolvers under certain circumstances and in certain areas on the grounds of an institution of higher education; eliminating authority of the Higher Education Policy Commission, the Council for Community and Technical College Education, and the institutional boards of governors to restrict or regulate the carrying of concealed pistols or revolvers in certain circumstances in or on areas of an institution of higher education; requiring institutions to provide storage space for concealed pistols and revolvers; designating these amendments as the Campus Self-defense Act; expressing legislative intent; and creating an internal effective date of July 1, 2024.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 172, Increasing number of members on WV Parole Board.

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

Com. Sub. for Senate Bill 172 (originating in the Committee on the Judiciary)—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 thirteen; establishing qualifications for members appointed after July 1, 2023; and removing the party affiliation limitation; and requesting the governor to affirmatively recruit candidates with mental health and social work experience.

And,

Senate Bill 178, Adding grievance and appellate procedures for individuals participating in DMV safety and treatment program.

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

Com. Sub. for Senate Bill 178 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17C-5A-3 and §17C-5A-3a 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; 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; eliminating minimum driving time, minimum mileage, and driving frequency requirements of Motor Vehicle Alcohol and Drug Test and Lock system, and further prohibiting removal of program participant for failure to meet such requirements; and directing commissioner to reinstate program participants for failing to meet such requirements, at no cost to the program participant, upon participants meeting specified criteria.

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,

Charles S. Trump IV,
Chair.

The bills (Com. Sub. for S. B. 172 and 178), under the original double committee references, were then referred to the Committee on Finance.

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

Your Committee on Economic Development has had under consideration

Senate Bill 207, Relating to state allocation of funding to regional councils.

And,

Senate Bill 231, Transferring administration of WV Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program to Department of Economic Development.

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

Respectfully submitted,

Chandler Swope,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senator Woodrum:

Senate Bill 295—A Bill to amend and reenact §30-8A-1 of the Code of West Virginia, 1931, as amended, relating to extending the time that a prescription for contact lenses or spectacles remains valid; revising definitions; expanding scope of said section to include prescriptions by ophthalmologists; and extending length of time prescriptions for contact lenses and spectacles remain valid.

Referred to the Committee on Government Organization.

By Senators Woodrum, Trump, Karnes, and Maynard:

Senate Bill 296—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto the following new article, designated as §6-9C-1, §6-9C-2, §6-9C-3, §6-9C-4, §6-9C-5, §6-9C-6, §6-9C-7, §6-9C-8, §6-9C-9, and §6-9C-10, all relating to adopting the Model Public Meetings During Emergencies Act; setting forth a short title; defining terms; providing for virtual meetings; providing mechanism for authorization of virtual meetings; setting forth rules for, and conduct of virtual meetings; providing for public observation of, and public participation in, virtual meetings; providing for notice of virtual meetings; providing for rules governing same and exceptions; providing for procedural rules governing conduct of same; and establishing relation to the Electronic Signatures in Global and National Commerce Act.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 297—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated, §5B-2K-1, §5B-2K-2, §5B-2K-3, §5B-2K-4, §5B-2K-5, §5B-2K-6, §5B-2K-7, §5B-2K-8, §5B-2K-9, §5B-2K-10, §5B-2K-11, §5B-2K-12, and §5B-2K-13, all relating to creation of the Mountain Homes Act; setting out a short title; setting out legislative findings; defining terms; providing for rulemaking; providing for an effective date; providing for a sunset date; creating the Mountain Homes Fund; providing for the purposes of the fund; providing for administration of the fund; providing for record keeping; requiring reporting to the Joint Committee on Government and Finance and the Governor; setting out required elements for the report; exempting certain materials from the Freedom of Information Act; establishing criteria for eligibility for use of funds; requiring an application for use of funds; setting out elements necessary to be included on the application; providing for exclusions from use of funds; providing for application approval; establishing evaluation standards and criteria; providing for a final agreement; setting out terms of the agreement; allowing for an extension of time; requiring adjacent properties to be subject to additional approval; providing for administration of the act; setting out powers and duties of the Department of Economic Development; and providing for a criminal penalty for a false statement.

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

By Senator Trump:

Senate Bill 298—A Bill to amend and reenact §15-5-9 of the Code of West Virginia, 1931, as amended, relating to clarifying in instances of non-federally declared emergencies and in instances of non-states of emergency that mutual aid agreements can be entered into for

reciprocal aid in bordering counties of other states for day-to-day support for fire and emergency medical service calls without the need for approval by the Governor.

Referred to the Committee on the Judiciary.

By Senators Hunt, Azinger, Barrett, Chapman, Deeds, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Takubo, and Weld:

Senate Bill 299—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3B-8, relating to creating a new misdemeanor offense of unlawful entry, occupation, or retention of real property.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 300—A Bill to amend and reenact §30-29-1 of the Code of West Virginia, 1931, as amended, relating to law-enforcement training and certification; and providing for the definition of "law-enforcement officer".

Referred to the Committee on Government Organization.

By Senator Jeffries:

Senate Joint Resolution 8—Proposing an amendment to the Constitution of the State of West Virginia amending and reenacting section six, article XII thereof, relating to the election of school districts; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senator Weld offered the following resolution:

Senate Resolution 10—Recognizing West Virginia Sheriffs at the Legislature on January 20, 2023.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

Eng. Senate Bill 74, Providing for substantial deference to State Superintendent's interpretations of school laws.

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

Pending discussion,

The question being "Shall Engrossed Senate Bill 74 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—27.

The nays were: Caputo, Hamilton, Stover, and Woelfel—4.

Absent: Boley, Maroney, and Rucker—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 74) 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.

Senate Bill 115, Providing procedure for WV to select delegates to Article V Convention.

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

Com. Sub. for Senate Bill 124, Authorizing child sexual abuse and sexual violence prevention program and in-service training in child sexual abuse prevention.

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

Com. Sub. for Senate Bill 200, Allowing leashed dogs to track wounded elk, turkey, bear, and wild boar when hunting.

On second 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.

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 59, Requiring work search activities to qualify for unemployment benefits.

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

Com. Sub. for Com. Sub. for Senate Bill 65, Granting municipal fire marshal authority to assist law-enforcement officer.

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

Com. Sub. for Senate Bill 89, Requiring hospitals to staff qualified personnel to perform sexual assault forensic exams.

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

Senate Bill 180, Relating to number of state troopers in county.

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

At the request of Senator Woodrum, unanimous consent being granted, the bill was rereferred to the Committee on Government Organization.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Nelson and Stuart.

At the request of Senator Stuart, unanimous consent being granted, the Senate then stood in observance of a moment of silence in recognition of the passing of Eddie Belcher, Supervisor, Supplies and Mail, West Virginia House of Delegates.

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 January 18, 2023:

Senate Bill 105: Senator Woodrum.

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 18, 2023:

Senate Bill 4: Senator Caputo;

Senate Bill 10: Senator Deeds;

Senate Bill 178: Senator Woelfel;

Senate Bill 188: Senator Hamilton;

Senate Bill 231: Senator Hunt;

Senate Bill 237: Senators Roberts, Deeds, Barrett, Hunt, and Trump;

Senate Bill 256: Senator Hamilton;

Senate Bill 264: Senator Hunt;

Senate Bill 265: Senator Hunt;

Senate Bill 272: Senator Woelfel;

Senate Bill 273: Senator Woelfel;

Senate Bill 274: Senators Woelfel, Queen, and Roberts;

Senate Bill 275: Senator Deeds;

Senate Bill 276: Senator Deeds;

Senate Bill 285: Senators Boley and Hunt;

Senate Bill 288: Senators Trump, Woelfel, and Clements;

Senate Bill 290: Senators Roberts and Barrett;

Senate Bill 291: Senator Smith;

Senate Joint Resolution 1: Senator Hunt;

Senate Joint Resolution 2: Senator Hunt;

Senate Joint Resolution 6: Senator Hunt;

Senate Joint Resolution 7: Senator Caputo;

And,

Senate Concurrent Resolution 4: Senator Phillips.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:25 a.m., the Senate adjourned until tomorrow, Friday, January 20, 2023, at 9 a.m.

SENATE CALENDAR

**Friday, January 20, 2023
9:00 AM**

UNFINISHED BUSINESS

S. R. 10 - Recognizing WV Sheriffs at Legislature on January 20, 2023

THIRD READING

Eng. S. B. 115 - Providing procedure for WV to select delegates to Article V Convention

Eng. Com. Sub. for S. B. 124 - Authorizing child sexual abuse and sexual violence prevention program and in-service training in child sexual abuse prevention

SECOND READING

Com. Sub. for S. B. 59 - Requiring work search activities to qualify for unemployment benefits (original similar to HB2589)

Com. Sub. for Com. Sub. for S. B. 65 - Granting municipal fire marshal authority to assist law-enforcement officer

Com. Sub. for S. B. 89 - Requiring hospitals to staff qualified personnel to perform sexual assault forensic exams

Com. Sub. for S. B. 200 - Allowing leashed dogs to track wounded elk, turkey, bear, and wild boar when hunting

FIRST READING

Com. Sub. for S. B. 10 - Campus Self-Defense Act

S. B. 207 - Relating to state allocation of funding to regional councils (original similar to HB2750)

S. B. 231 - Transferring administration of WV Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program to Department of Economic Development

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2023

Friday, January 20, 2023

10 a.m.

Workforce

(Room 208W)