

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2023
FOURTEENTH DAY

Charleston, West Virginia, Tuesday, January 24, 2023

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Bo Burgess, Jordan Baptist Church, Gallipolis Ferry, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Jason Barrett, a senator from the sixteenth district.

Pending the reading of the Journal of Monday, January 23, 2023,

At the request of Senator Jeffries, 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 communication from a state agency as required by the provisions of law:

Sanitarians, Board of (§30-1-12)

The Senate 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 2530—A Bill to amend and reenact §17A-6-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §17A-6B-10 of said code; and to amend and reenact §17A-6C-11, all relating to the extension of the expiration of temporary registration plates from sixty days to ninety days.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

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 2533—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.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

The Senate proceeded to the fourth order of business.

Senator Hamilton, from the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration

Senate Bill 202, Increasing appointment term of director for DNR from four to seven years.

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

Com. Sub. for Senate Bill 202 (originating in the Committee on Agriculture and Natural Resources)—A Bill to amend and reenact §20-1-16 of the Code of West Virginia, 1931, as amended, relating to increasing the term of members of the Natural Resources Commission from four to seven years.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Bill Hamilton,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 209, Permitting resident individuals to deduct medical expenses not reimbursed by insurance policy.

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

Com. Sub. for Senate Bill 209 (originating in the Committee on Banking and Insurance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to personal state income taxes and authorizing a decreasing modification of a taxpayer's adjusted gross income for medical expenses not reimbursed under accident and sickness insurance coverage.

And,

Senate Bill 292, Health Care Sharing Ministries Freedom to Share Act.

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

Com. Sub. for Senate Bill 292 (originating in the Committee on Banking and Insurance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §35-1A-1, §35-1A-2, §35-1A-3, §35-1A-4, and §35-1A-5, all relating to creating the Health Care Sharing Ministries Freedom to Share Act; exempting health care sharing ministries from the state's insurance laws; providing definitions; providing that membership in a health care sharing ministry satisfies a requirement to have health care insurance by a public institution of higher education; and providing that a health care sharing ministry is not a third-party payor.

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,

Michael T. Azinger,
Chair.

Committee Substitute for Senate Bill 209, under the original double committee reference, was then referred to the Committee on Finance.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of Committee Substitute for Senate Bill 292 contained in the foregoing report from the Committee on Banking and Insurance.

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 211, Relating to permanent windshield placard to be valid for duration of applicant's life.

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

Com. Sub. for Senate Bill 211 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to making permanent windshield placards that benefit persons with mobility impairment valid for the duration of the applicant's life.

And,

Senate Bill 233, Extending expiration of temporary registration plates from 60 to 90 days.

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

Com. Sub. for Senate Bill 233 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17A-6-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §17A-6B-10 of said code; and to amend and reenact §17A-6C-11 of said code, all relating to extending the expiration of temporary registration plates from 60 days to 90 days.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Takubo, and by unanimous consent, the bills (Com. Sub. for S. B. 211 and 233) contained in the foregoing report from the Committee on Transportation and Infrastructure were then referred to the Committee on Rules.

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 254, Changing annual mandatory state vehicle inspections to every two years.

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

Com. Sub. for Senate Bill 254 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §17A-6-10d of said code; to amend and reenact §17A-10-3a of said code; and to amend and reenact §17C-16-4, §17C-16-5, and §17C-16-6 of said code, all relating to mandatory state inspections; modifying interval of mandatory inspections of motor vehicles, trailers, semitrailers, pole trailers, antique motor vehicles, and motorcycles; and adjusting fees for inspection and inspection sticker

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

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Transportation and Infrastructure.

Senator 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 276, Awarding service weapon of retiring State Fire Marshal.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Military has had under consideration

Senate Bill 283, Relating to Military Incentive Program .

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,

Ryan W. Weld
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Military.

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 298, Relating to non-federally declared emergencies and non-states of emergency.

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

Com. Sub. for Senate Bill 298 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-5-9 of the Code of West Virginia, 1931, as amended, relating to clarifying that mutual aid agreements can be entered into by local emergency services or organizations for reciprocal aid in bordering counties of other states for day-to-day support for fire and emergency medical service calls.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Military has had under consideration

Senate Bill 419, Amending professions and occupations licensure provisions for individuals with military training.

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

Com. Sub. for Senate Bill 419 (originating in the Committee on Military)—A Bill to amend and reenact §30-1B-1, §30-1B-2, §30-1B-3, and §30-1B-4 of the Code of West Virginia, 1931, as amended; and to repeal §30-1B-5 and §30-1B-7 of said code, all relating to professions and occupations; and providing for licensure provisions for individuals with military training and experience applicable to military members and their spouses.

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

Respectfully submitted,

Ryan W. Weld,
Chair.

The bill (Com. Sub. for S. B. 419), under the original double committee reference, was then referred to the Committee on Government Organization.

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 Smith:

Senate Bill 447—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, and §11-13MM-3; to amend and reenact §20-2-28 of said code; and to amend and reenact §20-2B-7 of said code, all relating to tax credit offered to disabled veterans that have been honorably discharged from the military for the cost of their lifetime hunting, trapping, and fishing license; defining "eligible veteran"; establishing amount of credit; setting procedures to claim credit; requiring that disabled veterans obtaining a hunting, trapping, and fishing license; and requiring proposal of appropriate legislative rule.

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

By Senator Smith:

Senate Bill 448—A Bill to amend and reenact §11-13A-5a of the Code of West Virginia, 1931, as amended, and to amend and reenact §22-6-2, §22-6-29, and §22-6A-7 of said code; all relating to funding the Office of Oil and Gas in the Department of Environmental Protection; providing for the apportionment of oil and gas severance taxes; establishing annual varied inspection fees for wells producing more than 10,000 cubic feet of gas per day; increasing the expedited modification fee while eliminating the cap on collections of fees for expedited permits and expedited modifications ;and providing that those fees, if not used for other purposes, may be moved to the Oil and Gas Reclamation special revenue fund.

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

By Senator Nelson:

Senate Bill 449—A Bill to amend and reenact §5-10C-3, §5-10C-4, and §5-10C-5 of the Code of West Virginia, 1931, as amended; all relating to government employees' retirement plans;

updating definitions; clarifying pick-up contributions for non-teachers; and inserting new retirement plan in savings clause.

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

By Senator Nelson:

Senate Bill 450—A Bill to amend and reenact §5-10-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-2, §7-14D-14, and §7-14D-15; to amend and reenact §8-22A-2; to amend and reenact §15-2A-2 and §15-2A-9; to amend and reenact §16-5V-2; to amend and reenact §18-7A-3 and §18-7A-25; and to amend and reenact §20-18-2, §20-18-21, and §20-18-22, all relating to disability retirement medical examinations of the West Virginia Public Employees Retirement System, the Deputy Sheriffs' Retirement System, the Municipal Police and Firefighters Retirement System, the State Police Retirement Fund, the Emergency Medical Services Retirement System, the Teachers Retirement System, and the Natural Resources Police Officers Retirement System.

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

By Senator Nelson:

Senate Bill 451—A Bill to amend and reenact §18-7A-3, §18-7A-13a, §18-7A-15, and §18-7A-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-7B-2 and §18-7B-17 of said code, all relating to the Teachers Retirement System and the Teachers' Defined Contribution Retirement System; defining and amending terms related to electing charter schools; defining medical examination; clarifying notification by employer of a retirant re-employed in a permanent position; adding electing charter schools to provisions of delinquent contributions; providing for transfer of assets from the Public Employee Retirement System to the Teachers Retirement System; and adding electing charter schools to retirement contribution section.

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

By Senator Nelson:

Senate Bill 452—A Bill to amend and reenact §16-5V-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-5V-36, all relating to the Emergency Medical Services Retirement System; defining and amending terms related to county firefighters, medical examination, and 911 personnel; and adding a severability section.

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

By Senator Nelson:

Senate Bill 453—A Bill to amend and reenact §18-5G-6 and §18-5G-10 of the Code of West Virginia, 1931, as amended, all relating to public charter schools; providing for successor liability and delinquent retirement contributions; and including retirement contribution payments as payroll obligation in distribution of assets.

Referred to the Committee on School Choice; and then to the Committee on Pensions.

By Senator Jeffries:

Senate Bill 454—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-5i, relating to creating the West Virginia Children's Vision

Act; and requiring proof of vision examination of children enrolling in West Virginia public or private schools.

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

By Senator Phillips:

Senate Bill 455—A Bill to amend and reenact §17A-6-1 of the Code of West Virginia, 1931, as amended, relating to modifying certain used car restrictions.

Referred to the Committee on Transportation and Infrastructure.

By Senator Clements:

Senate Bill 456—A Bill to amend and reenact §17-4-8 of the Code of West Virginia, 1931, as amended, relating to railways crossing state roads; and authorizing the Commissioner of Highways to prescribe restrictions, conditions, and regulations.

Referred to the Committee on Transportation and Infrastructure.

By Senator Barrett:

Senate Bill 457—A Bill to amend and reenact §60-7-12 of the Code of West Virginia, 1931, as amended, relating to removing gambling and use of gaming devices from definition of activities Alcohol Beverage Control Commission licensee is prohibited to permit on licensee's private club premises.

Referred to the Committee on Government Organization.

By Senator Nelson:

Senate Bill 458—A Bill to amend and reenact §5-10D-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5-10D-14, all relating to the Consolidated Public Retirement Board; setting the rate of interest on delinquent retirement contribution submissions; and prohibiting employer unilateral termination without legislative action.

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

By Senator Rucker:

Senate Bill 459—A Bill to amend and reenact §3-1-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-1-34 and §3-2-2 of said code; all relating to residency requirements for people entitled to vote and people eligible to register to vote; requiring that a person be a legal resident of the state, county, or municipality in which he or she offers to vote; requiring that a person be a legal resident of the state or county in which he or she applies to register to vote; defining the term "legal resident"; and requiring a state or federal photo identification in order to vote.

Referred to the Committee on the Judiciary.

By Senator Clements:

Senate Bill 460—A Bill to amend and reenact §12-4-14 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Grant Transparency and Accountability Act; and clarifying reporting requirements for matching portions of federal grants.

Referred to the Committee on Finance.

By Senator Clements:

Senate Bill 461—A Bill to amend and reenact §6C-2-1, §6C-2-2, §6C-2-3, §6C-2-4, and §6C-2-6 of the Code of West Virginia, 1931, as amended, all relating to West Virginia public employees grievance procedure; clarifying that actions by an agency taken during a declared state of preparedness or emergency are not grievable; requiring a notarized grievance form; providing that a grievance must be filed within the time limits specified or it may be dismissed at level one; authorizing refiling of grievances dismissed without prejudice; extending certain time limits; providing for appeal of dismissed grievances; providing that the grievance evaluator and the administrative law judge must hold all other proceedings in abeyance until a ruling on motion to dismiss; adding grounds for dismissal of grievance; clarifying that grievances may be consolidated so long as the initial grievance has not been dismissed; providing that proceedings may be rescheduled for good cause shown including agency attorney no longer employed by agency; requiring that grievant representatives must provide the names and work location of employees being represented; requiring that employees must provide the name and contact information of representative; providing that available annual leave will be charged for work hours used in preparing for and attending the grievance hearing in excess of certain limits; and clarifying limitation on representation is limited by work requirements and specifying employer discretion in those instances.

Referred to the Committee on the Judiciary.

By Senator Phillips:

Senate Bill 462—A Bill to amend and reenact §17A-6A-8a, §17A-6A-10, and §17A-6A-18 of the Code of West Virginia, 1931, as amended, all relating generally to motor vehicle dealers, distributors, wholesalers and manufacturers; clarifying a manufacturer's obligations for warranty and recall reimbursement to a motor vehicle dealer; restricting manufacturer and distributor right of first refusal; identifying and clarifying unlawful and prohibited practices; and clarifying statutory authority of dealer data systems vendor agreements.

Referred to the Committee on the Judiciary.

By Senator Clements:

Senate Bill 463—A Bill to amend and reenact §17E-1-9 of the Code of West Virginia, 1931, as amended, relating to increasing the validity of a commercial driver's license instruction permit.

Referred to the Committee on Transportation and Infrastructure.

By Senator Barrett:

Senate Bill 464—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-3-7a, relating to authorizing the Commissioner of the West Virginia Division of Corrections and Rehabilitation to offer locality pay to correctional officers working at certain facilities designated by the commissioner as having critical staffing shortages.

Referred to the Committee on Government Organization.

Senators Rucker and Woodrum offered the following resolution:

Senate Resolution 13—Observing the 90th Anniversary of the Holodomor Ukrainian Genocide of 1932-1933.

Which, under the rules, lies over one day.

Senator Blair (Mr. President) offered the following resolution:

Senate Resolution 14—Designating January 25, 2023, as Aviation Day at the Legislature, and recognizing the contributions of Aviation and Aerospace in West Virginia.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 12, Commemorating 77th Southern Legislative Conference of Council of State Governments Southern Office.

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 10, Campus Self-Defense Act.

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

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 10 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—29.

The nays were: Caputo, Maroney, Plymale, and Woelfel—4.

Absent: Boley—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 10) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—29.

The nays were: Caputo, Maroney, Plymale, and Woelfel—4.

Absent: Boley—1.

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. 10) 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 207, Relating to state allocation of funding to regional councils.

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, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Boley—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 207) 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 231, Transferring administration of WV Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program to Department of Economic Development.

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, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Boley—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 231) 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 4, Creating Adopt-A-Trail volunteer programs for public land under DNR jurisdiction.

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 121, Creating Student Journalist Press Freedom Protection Act.

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

Senate Bill 192, Relating to Uniform Real Property Transfer on Death Act.

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

Com. Sub. for Senate Bill 208, Relating to criminal justice training for all law-enforcement and correction officers regarding individuals with autism spectrum disorders.

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

Senate Bill 244, Making rosters of individuals who obtain professional, occupational, and trade licenses, registrations, and certificates available to public.

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

Senate Bill 245, Making rules and regulations promulgated by PSC subject to legislative rule-making review procedures.

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

Senate Bill 246, Revising membership of Broadband Enhancement Council.

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

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

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

ARTICLE 1. BROADBAND ENHANCEMENT COUNCIL.

§31G-1-3. Broadband Enhancement Council; members of council; administrative support.

(a) The Broadband Enhancement Council is hereby continued. The current members, funds, and personnel shall continue in effect and be wholly transferred from the Department of Commerce to the Department of Economic Development, except as may be hereinafter provided. ~~With regard to the terms of the public members appointed under subdivision five, subsection (c) of this section, at the next regular meeting of the council following July 1, 2017, the currently serving public members shall draw by lot for the length of their terms, three members to serve for one additional year, three members to serve for two additional years and the last three members to serve for three additional years, with all public members in future to serve for the duration of the term described below~~

(b) The council is a governmental instrumentality of the state. The exercise by the council of the powers conferred by this article and the carrying out of its purpose and duties are considered and held to be, and are hereby determined to be, essential governmental functions and for a public purpose. The council shall be situated within the Department of Economic Development for administrative, personnel, and technical support services only.

(c) The council shall consist of 13 voting members, designated as follows:

(1) The Secretary of the Department of Economic Development or his or her designee;

(2) The Chief Information Officer or his or her designee;

(3) The Vice Chancellor for Administration of the Higher Education Policy Commission or his or her designee;

(4) The State Superintendent of Schools or his or her designee; and

(5) Nine public members that ~~shall~~ may serve no more than three consecutive three-year terms from the date of their appointment and are appointed by and serve at the will and pleasure of the Governor with the advice and consent of the Senate, as follows:

(i) One member representing users of large amounts of broadband services in this state;

(ii) One member from each congressional district representing rural business users in this state;

(iii) One member from each congressional district representing rural residential users in this state;

(iv) ~~One member~~ Two members representing urban business users in this state; and

(v) ~~One member~~ Two members representing urban residential users in this state. ~~and~~

(6) Additionally, the President of the Senate shall name two Senators from the West Virginia Senate, one from each party, and the Speaker of the House shall name two Delegates from the West Virginia House of Delegates, one from each party, each to serve in the capacity of ex officio, nonvoting advisory members of the council.

(d) A chair and vice chair shall be elected from the members of the council for a term of two years: *Provided*, That a chair or vice-chair may not serve more than two consecutive full or partial terms in that capacity. In the absence of the chair, the vice chair shall serve as chair. The council shall appoint a secretary-treasurer who need not be a member of the council and who, among other tasks or functions designated by the council, shall keep records of its proceedings.

(e) The council may appoint committees or subcommittees to investigate and make recommendations to the full council. Members of these committees or subcommittees need not be members of the council.

(f) Seven voting members of the council constitute a quorum and the affirmative vote of a simple majority of those members present is necessary for any action taken by vote of the council.

(g) The gubernatorial appointed members shall be deemed part-time public officials, and may pursue and engage in another business or occupation or gainful employment. Any person

employed by, owning an interest in, or otherwise associated with a broadband deployment project, project sponsor, or project participant may serve as a council member and is not disqualified from serving as a council member because of a conflict of interest prohibited under §6B-2-5 of this code and is not subject to prosecution for violation of that section when the violation is created solely as a result of his or her relationship with the broadband deployment project, project sponsor, or project participant so long as the member recuses himself or herself from board participation regarding the conflicting issue in the manner set forth in §6B-2-5 of this code and the legislative rules promulgated by the West Virginia Ethics Commission.

(h) No member of the council who serves by virtue of his or her office may receive any compensation or reimbursement of expenses for serving as a member. The public members and members of any committees or subcommittees are entitled to be reimbursed for actual and necessary expenses incurred for each day or portion thereof engaged in the discharge of his or her official duties in a manner consistent with the guidelines of the Travel Management Office of the Department of Administration.

(i) No person is subject to antitrust or unfair competition liability based on membership or participation in the council, which provides an essential governmental function and enjoys state action immunity.

The bill (S. B. 246), as amended, was then ordered to engrossment and third reading.

Senate Bill 262, Allowing students to transfer schools and retain athletic eligibility.

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 264, Prohibiting persons who have been convicted of certain crimes against minors from holding positions on boards of education.

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.

Senate Bill 21, Requiring certain documents that contain wage records be considered confidential.

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

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Weld.

At the request of Senator Weld, unanimous consent being granted, the Senate then stood in observance of a moment of silence in recognition of the passing of Hershel Woodrow "Woody" Williams, the last surviving Medal of Honor recipient from World War II.

The Senate proceeded to the thirteenth order of business.

Senator Blair (Mr. President) announced the appointment of Senator Takubo to the Committee on Finance.

The following communication was reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211
1900 KANAWHA BLVD, EAST
CHARLESTON, WV 25305-0800
304-357-7800

January 23, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
State Capitol
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the President of the Senate and the Speaker of the House of Delegates, have been examined and found truly enrolled:

S. B. 161 - Authorizing DNR to manage and dispose of property.

S. B. 162 - Authorizing director of DNR to lease state-owned pore spaces in certain areas for carbon sequestration.

These bills are presented to you on this day, January 23, 2023.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lee Cassis".

Lee Cassis
Clerk of the Senate

C: The Honorable Stephen J. Harrison
Clerk of the House of Delegates

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on January 23, 2023:

Senate Bill 103: Senator Woodrum;

And,

Senate Bill 252: Senator Stover.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills on January 23, 2023:

Senate Bill 5: Senator Azinger;

Senate Bill 188: Senator Nelson;

Senate Bill 209: Senator Oliverio;

Com. Sub. for Senate Bill 274: Senator Oliverio;

Senate Bill 283: Senator Deeds

Senate Bill 292: Senator Deeds;

Senate Bill 298: Senator Deeds;

Senate Bill 419: Senator Deeds;

Senate Bill 428: Senator Roberts;

Senate Bill 433: Senators Hamilton, Oliverio, Stover, Martin, and Queen;

Senate Bill 434: Senator Clements;

Senate Bill 436: Senator Swope;

Senate Bill 437: Senator Woelfel;

Senate Bill 439: Senator Swope;

Senate Bill 440: Senator Swope;

And,

Senate Bill 442: Senator Martin.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:59 a.m., the Senate adjourned until tomorrow, Wednesday, January 25, 2023, at 11 a.m.

SENATE CALENDAR

**Wednesday, January 25, 2023
11:00 AM**

UNFINISHED BUSINESS

S. R. 13 - Observing 90th Anniversary of Holodomor Ukrainian Genocide of 1932-1933

S. R. 14 - Designating January 25, 2023, as Aviation Day at Legislature

THIRD READING

Eng. S. B. 4 - Creating Adopt-A-Trail volunteer programs for public land under DNR jurisdiction

Eng. Com. Sub. for S. B. 121 - Creating Student Journalist Press Freedom Protection Act

Eng. S. B. 192 - Relating to Uniform Real Property Transfer on Death Act

Eng. Com. Sub. for S. B. 208 - Relating to criminal justice training for all law-enforcement and correction officers regarding individuals with autism spectrum disorders

Eng. S. B. 244 - Making rosters of individuals who obtain professional, occupational, and trade licenses, registrations, and certificates available to public

Eng. S. B. 245 - Making rules and regulations promulgated by PSC subject to legislative rule-making review procedures

Eng. S. B. 246 - Revising membership of Broadband Enhancement Council

Eng. S. B. 262 - Allowing students to transfer schools and retain athletic eligibility - (Com. title amend. pending)

Eng. Com. Sub. for S. B. 264 - Prohibiting persons who have been convicted of certain crimes against minors from holding positions on boards of education

SECOND READING

S. B. 21 - Requiring certain documents that contain wage records be considered confidential

FIRST READING

Com. Sub. for S. B. 202 - Increasing appointment term of director for DNR from four to seven years

Com. Sub. for S. B. 254 - Changing annual mandatory state vehicle inspections to every two years

S. B. 276 - Awarding service weapon of retiring State Fire Marshal (original similar to HB2871)

S. B. 283 - Relating to Military Incentive Program - (Com. title amend. pending)

Com. Sub. for S. B. 292 - Health Care Sharing Ministries Freedom to Share Act

Com. Sub. for S. B. 298 - Relating to non-federally declared emergencies and non-states of emergency

Eng. Com. Sub. for H. B. 2530 - Relating to the extension of the expiration of temporary registration plates from sixty days to ninety days (original similar to SB233)

Eng. H. B. 2533 - Relating to a permanent windshield placard to be valid for the duration of the applicant's life