

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2023
SIXTEENTH DAY

Charleston, West Virginia, Thursday, January 26, 2023

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Jeff Davenport, First Baptist Church of Hurricane, Hurricane, West Virginia.

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

Pending the reading of the Journal of Wednesday, January 25, 2023,

At the request of Senator Maynard, 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 2754—A Bill to amend and reenact §30-5-7 and §30-5-12 of the Code of West Virginia, 1931, as amended, relating to immunizations performed in a pharmacy; permitting a pharmacy technician to perform an immunization; updating rulemaking authority; and reducing the age of a recipient.

Referred to the Committee on Health and Human Resources.

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 2757—A Bill to amend and reenact §18-2E-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18C-9-3 and §18C-9-4, all relating to expanding institutional eligibility for the West Virginia Invests Grant Program.

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

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

Eng. House Bill 2776—A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

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

Eng. House Bill 2777—A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

The Senate proceeded to the fourth order of business.

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

Your Committee on School Choice has had under consideration

Senate Bill 47, Creating Charter Schools Stimulus Fund.

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

Com. Sub. for Senate Bill 47 (originating in the Committee on School Choice)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5G-17, relating to creating the Charter Schools Stimulus Fund to provide financial support to charter school applicants and charter schools that may not otherwise have the resources for start-up costs; requiring State Board of Education rules; specifying requirements the rules are to include; requiring the West Virginia Professional Charter School Board to distribute moneys from the fund to qualifying charter school applicants and charter schools; specifying the manner of distribution; and requiring reimbursement of grant amount plus interest if the recipient has not begun operating a charter school within the next 18 months.

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,

Patricia Puertas Rucker,
Chair.

The bill (Com. Sub. for S. B. 247), under the original double committee reference, was then referred to the Committee on Finance.

Senator Maynard, from the Committee on Outdoor Recreation, submitted the following report, which was received:

Your Committee on Outdoor Recreation has had under consideration

Senate Bill 160, Relating to WV Rail Trails Program.

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

Com. Sub. for Senate Bill 160 (originating in the Committee on Outdoor Recreation)—A Bill to amend and reenact §5B-1A-1, §5B-1A-2, §5B-1A-3, §5B-1A-4, §5B-1A-5, §5B-1A-6, §5B-1A-7, §5B-1A-8, and §5B-1A-9 of the Code of West Virginia, 1931, as amended, all relating to establishing the West Virginia Rail Trails Program consisting of rail-to-trail and rail with trail programs; updating definitions to include definitions of “rail with trail,” “railroad right-of-way,” and “trail;” expanding authority of Division of Multimodal Transportation Facilities to acquire railroad rights-of-way and land for both trail programs; clarifying that a rail-to-trail program may not unreasonably limit ability to restore rail service on railroad rights-of-way; and expanding limitation of and exception to liability to railroad owners under certain circumstances.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on Pensions has had under consideration

Senate Bill 166, Relating to reemployment after retirement by public employees.

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

Com. Sub. for Senate Bill 166 (originating in the Committee on Pensions)—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.

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,

Eric Nelson, Jr.,
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 Pensions.

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 188, Creating Grid Stabilization and Security Act of 2023.

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

Com. Sub. for Senate Bill 188 (originating in the Committee on Economic Development)—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 to the Grid Stabilization and Security Act of 2023; providing for a short title; making legislative findings and declarations; identifying economically viable sites for natural gas electric generation projects; establishing criteria for identifying economically viable sites; requiring secretary of Department of Economic Development to notify the Department of Environmental Protection and the Public Service Commission of sites designated as economically viable for natural gas electric generation facility; providing for application for a siting certificate to Public Service Commission and final order on application within a certain time period; clarifying that Public Service Commission jurisdiction is not modified; requiring collection of additional data for modeling if necessary; requiring construction and operating permits for natural gas electric generation facilities; providing for expedited consideration of permit application; and requiring administrative review board to hold hearing and issue decision on natural gas electric generation facility permit appeal within a certain period of time.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Chandler Swope,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 222, Creating taskforce to consider options for direct funding of adult education learning centers.

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

Com. Sub. for Senate Bill 222 (originating in the Committee on Education)—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 a taskforce to consider options for direct funding of adult education learning centers; declaring legislative findings;

providing for membership and meetings of the taskforce; and establishing deadlines for the taskforce to be created and begin its meetings and for submitting a report of recommendations to the Legislature.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Amy N. Grady,
Chair.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 240, Requiring state board of examination or registration proceedings to be open to public inspection.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 249, Amending Real Estate License Act.

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

Com. Sub. for Senate Bill 249 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-40-3, §30-40-4, §30-40-5, §30-40-9, §30-40-11, §30-40-12, §30-40-13, §30-40-14, §30-40-15, §30-40-16, §30-40-17, §30-40-18, §30-40-19, §30-40-20, §30-40-21, §30-40-22, §30-40-25, and §30-40-26, of the Code of West Virginia, 1931, as amended; and to repeal §30-40-27, all relating to the West Virginia Real Estate License Act; amending definitions; modifying the applicability of the article; requiring certain fees to be deposited into the treasury of the state daily; eliminating requirements for certain information to be included on applications for licensure; modifying qualifications for obtaining broker's license; providing restrictions on the entities that may be issued a salesperson's license; clarifying and amending requirements for prelicense education; modifying requirements for licensing based on licensure in another jurisdiction; modifying continuing education requirements; eliminating certain requirements for persons holding a broker's license; modifying requirements for license certificates issued by the Real Estate Commission; requiring a licensed broker to reconcile trust accounts; eliminating a prohibition on financial institutions that maintain trust accounts from requiring a certain minimum balance; clarifying language related to when commission may refuse a license or revoke, suspend, or impose any other sanction against a licensee; modifying the

procedure for commission to administer complaints; modifying procedure for judicial review of decisions or final orders of the commission; clarifying language regarding criminal penalties; clarifying language related to suits for collection of compensation; requiring licensees to disclose in writing whether the licensee represents the seller, the buyer, the seller and the buyer, the landlord, the tenant, or the landlord and the tenant; and repealing an outdated section of code governing the duration of existing licenses.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Jack David Woodrum,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 306, Establishing Summer Feeding for All Program.

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

Respectfully submitted,

Amy N. Grady,
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 335, 336, 337, 338, 339, 340, 341, 342, 343, and 344, Authorizing Governor's Committee on Crime to promulgate legislative rule relating to protocol for law enforcement response to domestic violence.

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

Com. Sub. for Senate Bill 335 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-6-1 et seq. of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Homeland Security to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature and directing certain agencies of the Department of Homeland Security to amend current legislative rules; relating to authorizing the Governor's Committee on Crime to promulgate a legislative rule relating to protocol for law enforcement response to domestic violence; relating to authorizing the Division of Emergency Management to promulgate a legislative rule relating to the National Flood Insurance Program; relating to authorizing the Fire Commission to promulgate a legislative rule relating to hazardous substance emergency response training programs; relating to authorizing the Fire Commission to promulgate a legislative rule relating to certification of home inspectors; relating to authorizing the

Fire Commission to promulgate a legislative rule relating to volunteer firefighters' training equipment, and operating standards; relating to authorizing the Fire Marshal to promulgate a legislative rule relating to certification of electrical inspectors; relating to authorizing the Fire Marshal to promulgate a legislative rule relating to supervision of fire protection work; relating to authorizing the Fire Marshal to promulgate a legislative rule relating to electrician licensing; relating to authorizing the Fire Marshal to promulgate a legislative rule relating to certification of home inspectors; relating to authorizing the State Police to promulgate a legislative rule relating to West Virginia State Police professional standards investigations, employee rights, early identification system, psychological assessment, and progressive discipline; and relating to directing the State Police to promulgate a legislative rule relating to modified vehicle inspections.

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 356, 357, 358, 359, and 360, Authorizing DMV to promulgate legislative rule relating to administrative due process.

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

Com. Sub. for Senate Bill 356 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-8-1 et seq. and §64-12-5 of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Transportation to promulgate and repeal legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to administrative due process; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to examination and issuance of driver's license; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to denial, suspension, revocation, disqualification, restriction, nonrenewal, cancellation, administrative appeals, and reinstatement of driving privileges; authorizing the Division of Highways to promulgate a legislative rule relating to disposal, lease, and management of real property and appurtenant structures and relocation assistance; authorizing the Division of Highways to promulgate a legislative rule relating to construction and reconstruction of state roads; and authorizing the Department of Transportation, State Rail Authority to repeal a legislative rule relating to organization and meetings.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 428, Revising requirements of local school improvement councils.

And has amended same.

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

Respectfully submitted,

Amy N. Grady,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 443, Directing payment of estate administration fee to State Auditor.

Senate Bill 444, Transferring moneys in WV Future Fund to General Revenue Fund.

And,

Senate Bill 446, Removing methanol and methanol fuel from definition of special fuel.

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

Respectfully submitted,

Eric J. Tarr,
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 Nelson:

Senate Bill 477—A Bill to amend and reenact §8-22-20 of the Code of West Virginia, 1931, as amended, all relating to prohibiting municipalities from using the conservation method of financing for their municipal policemen's and firemen's pension and relief funds; and providing that a municipality may convert to either the optional method or optional II method of financing.

Referred to the Committee on Pensions.

By Senator Grady:

Senate Bill 478—A Bill to amend and reenact §11-21-12m and §11-21-25 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-24-10a of said code, to amend and

reenact §18-30-3 of said code; and to amend and reenact §18-30A-3, §18-30A-10, §18-30A-11, and §18-30A-13 of said code, all relating generally to the Jumpstart Savings Program; clarifying that the entire amount of an account distribution used for certain qualified expenses is subject to reducing personal income tax modification; clarifying that the amount of an account distribution is only subject to reducing personal income tax modification to the extent that the amount is not allowable as certain federal deductions; establishing an increasing personal income tax modification for account distributions used for nonqualified expenses and previously applied toward the reducing personal income tax modification for account contributions; defining terms; providing that an employer may not claim a tax credit for matching contributions to an account if the employer is the account owner or account beneficiary; providing that an employer may not claim both the reducing personal income tax modification and the matching credit for an amount contributed to an employee's account; permitting employers to claim matching credit for certain amounts allowable as federal tax deductions; eliminating a definition related to an obsolete account; defining terms; expanding the occupations and professions in which an individual may incur qualified expenses; eliminating the minimum deposit required to open an account and for certain opening incentive deposits; authorizing the board to establish a minimum deposit to open an account or for certain opening incentive deposits; establishing retroactive internal effective date of January 1, 2023 for certain provisions; and making technical and clarifying corrections to reporting requirements.

Referred to the Committee on Finance.

By Senator Grady:

Senate Bill 479—A Bill to amend and reenact §9-5-12 of the Code of West Virginia, 1931, as amended, relating to expanding certain insurance coverages for pregnant women; and providing an effective date.

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

By Senators Oliverio, Azinger, Barrett, and Queen:

Senate Bill 480—A Bill to amend and reenact §33-16-1a and §33-16-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-16-2a, all relating to modify group accident and sickness insurance requirements.

Referred to the Committee on Banking and Insurance.

By Senators Roberts, Caputo, Jeffries, Nelson, Smith, and Stover:

Senate Bill 481—A Bill to amend and reenact §5B-2-15 of the Code of West Virginia, 1931, as amended, relating to extending the sunset provision of the Upper Kanawha Valley Resiliency and Revitalization Program.

Referred to the Committee on Economic Development.

By Senator Trump:

Senate Bill 482—A Bill to amend and reenact §50-1-2, §50-1-8, §50-1-9, and §50-1-9a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §50-1-9c; to amend and reenact §51-2-1 of said code; and to amend and reenact §51-2A-3 and §51-2A-6 of said code, all relating generally to the number, allocation, and terms of office of circuit court judges, family court judges, and magistrates to be elected in the 2024 general election; altering county composition of circuit courts and family courts; increasing and reducing

judges for certain circuit courts; increasing number of family court judges and magistrates; altering county composition of certain circuit and family courts; updating process for Supreme Court of Appeals to undertake magistrate caseload study in 2026 and submit administrative order regarding magistrates; eliminating restrictions regarding maximum number of magistrates and restoring Legislature's ability to reduce magistrates; removing payment of magistrate salaries based on population; relating generally to payment of family court judges, family court staff, magistrate court clerks, magistrate assistants, and additional magistrate staff; permitting Supreme Court of Appeals to authorize additional magistrate assistants; providing for Chief Magistrate or Chief Circuit Judge's management of magistrate assistants; eliminating restriction on number of magistrate court deputy clerks; authorizing Supreme Court of Appeals to create classifications for magistrate and family court support staff support staff and determine proper managing authority for such staff; permitting Supreme Court of Appeals to increase family case coordinators; setting maximum annual salary for magistrate and family court support staff; and providing effective dates.

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

By Senator Barrett:

Senate Bill 483—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to taxation of gambling and lottery winnings; providing those winnings are taxable income; allowing taxpayers to deduct certain losses incurred the same year; and providing for recordkeeping of those losses.

Referred to the Committee on Finance.

By Senator Rucker:

Senate Bill 484—A Bill to amend and reenact §61-14-1 of the Code of West Virginia, 1931, as amended; and by adding thereto a new section designated §61-14-2a, relating to human smuggling; amending and clarifying definitions; and prohibiting the offense of human smuggling.

Referred to the Committee on the Judiciary.

By Senators Trump, Smith, Caputo, Oliverio, Jeffries, Plymale, Rucker, and Woodrum:

Senate Bill 485—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-11C-1, §22-11C-2, and §22-11C-3, all relating to identifying and abating health risks of perfluoroalkyl and polyfluoroalkyl substances (PFAS) discharged into source waters used for public drinking water; providing legislative findings; requiring the Department of Environmental Protection to write PFAS action plans to identify and address sources of PFAS for certain public water systems; requiring facilities using certain PFAS chemicals to monitor and report their use; setting forth other duties of those facilities; requiring the Secretary of the Department of Environmental Protection to propose updates to the numeric Public Water Supply human health criteria; and requiring necessary the Department of Environmental Protection to implement permit modifications and legislative rulemaking to effectuate the provisions herein.

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

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 5, US Navy S1 Paul McCue Bridge.

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

Senate Resolution 15, Designating January 26, 2023, as Hunger-Free WV Day at Legislature.

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

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

The question being on the adoption of the resolution, and on this question, Senator Caputo demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, 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)—32.

The nays were: None.

Absent: Boley and Jeffries—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 15) adopted.

The Senate proceeded to the eighth order of business.

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

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, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—30.

The nays were: Caputo and Woelfel—2.

Absent: Boley and Jeffries—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 21) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 202, Increasing terms of Natural Resources Commission members from four to seven years.

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 254, Relating generally to mandatory state inspection of certain motor vehicles.

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

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

On page 8, section 3a, after line 50, by adding the following:

(g) Upon proper application pursuant to subsection (f) of this section, the commissioner shall approve an alternative registration insignia for an antique military vehicle that is compatible with the vehicle's original markings, including, but not limited to, the display of the vehicle's unique military identification number not to exceed eight characters on the bumper of the vehicle: *Provided*, That nothing in this section exempts the operator of an antique military vehicle from the requirements set forth in §17A-3-13 of this code. Pursuant to this subsection, an antique military vehicle is exempt from the requirement to display a registration plate if the exemption is necessary to maintain the vehicle's accurate military marking.

The bill (Com. Sub. for S. B. 254), as amended, was then ordered to engrossment and third reading.

Senate Bill 276, Awarding service weapon of retiring State Fire Marshal.

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

Senate Bill 283, Relating to Military Incentive Program .

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 292, Health Care Sharing Ministries Freedom to Share 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 298, Relating to non-federally declared emergencies and non-states of emergency.

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

Eng. Com. Sub. for House Bill 2530, Relating to the extension of the expiration of temporary registration plates from sixty days to ninety days.

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

On motion of Senator Clements, 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 6. LICENSING OF DEALERS AND WRECKERS OR DISMANTLERS; SPECIAL PLATES; TEMPORARY PLATES OR MARKERS.

§17A-6-15. Temporary registration plates or markers.

(a) In order to permit a vehicle which is sold to a purchaser by a dealer to be operated on the streets and highways pending receipt of the annual registration plate from the division for such vehicle, the commissioner may, subject to the limitations and conditions hereinafter set forth, deliver temporary vehicle registration plates or markers to dealers who in turn may, subject to the limitations and conditions hereinafter set forth, issue the same to purchasers of vehicles, but such purchasers must comply with the pertinent provisions of this section.

(b) Application by a dealer to the commissioner for temporary registration plates or markers shall be made on the form and in the manner prescribed and furnished by the commissioner for such purpose and shall be accompanied by a fee of \$3 for each such temporary registration plate or marker. The commissioner may require the fee to be remitted to the division in an electronic format. No refund or credit of fees paid by dealers to the commissioner for temporary registration plates or markers shall be allowed, except that in the event the commissioner discontinues the issuance of such temporary plates or markers, dealers returning temporary registration plates or markers to the commissioner may petition for and be entitled to a refund or a credit thereof. No temporary registration plates or markers shall be delivered by the commissioner to any dealer in house trailers only, and no such temporary plates or markers shall be issued for or used on any house trailer for any purpose.

(c) Every dealer who has made application for and received temporary registration plates or markers shall maintain in a manner prescribed by the commissioner, a record of all temporary registration plates or markers issued by him or her, and a record of any other information pertaining to the receipt or the issuance of temporary registration plates or markers which the commissioner may require. Every dealer who issues a temporary registration plate or marker shall notify the division in the manner prescribed by the commissioner. No temporary registration plates or markers may be delivered to any dealer until such dealer has fully accounted to the commissioner for the temporary registration plates or markers last delivered to such dealer, by showing the number issued to purchasers by such dealer and any on hand.

(d) A dealer may not issue, assign, transfer or deliver a temporary registration plate or marker to anyone other than the bona fide purchaser of the vehicle to be registered; nor may a dealer issue a temporary registration plate or marker to anyone ~~possessed of~~ possessing an annual registration plate for a vehicle which has been sold or exchanged, except a dealer may issue a temporary registration plate or marker to the bona fide purchaser of a vehicle to be registered who possesses an annual registration plate of a different class and makes application to the division to exchange such annual registration plate of a different class in accordance with the provisions of §17A-4-1 of this code; nor may a dealer lend to anyone, or use on any vehicle which he or she may own, a temporary registration plate or marker. It is unlawful for any dealer to issue any temporary registration plate or marker knowingly containing any misstatement of fact, or knowingly to insert any false information upon the face thereof.

(e) Every dealer who issues temporary registration plates or markers shall affix or insert clearly and indelibly on the face of each temporary registration plate or marker in the manner prescribed by the commissioner, the date of issuance and expiration thereof, and the make and motor or serial number of the vehicle for which issued.

(f) If the commissioner finds that the provisions of this section or his or her directions are not being complied with by a dealer, he or she may suspend the right of such dealer to issue temporary registration plates or markers.

(g) Every person to whom a temporary registration plate or marker has been issued shall permanently destroy such temporary registration plate or marker immediately upon receiving the annual registration plate for such vehicle from the division: *Provided*, That if the annual registration plate is not received within ~~sixty~~ 90 days of the issuance of the temporary registration plate or marker, the owner shall, notwithstanding the fact that the annual registration plate has not been received, immediately and permanently destroy the temporary registration plate or marker: *Provided, however*, That not more than one temporary registration plate or marker shall be issued to the same bona fide purchaser for the same vehicle.

(h) A temporary registration plate or marker shall expire and become void upon the receipt of the annual registration plate from the division or upon the rescission of the contract to purchase the vehicle in question, or upon the expiration of ~~sixty~~ 90 days from the date of issuance, depending upon whichever event shall first occur.

(i) For the purpose of this section, the term "dealer" includes a wrecker/dismantler/rebuilder and, in the context of issuing temporary registration plates, any other business licensed by the division in accordance with the provisions of this chapter and authorized to issue temporary registration plates or markers.

(j) The commissioner may require participation in an electronic temporary plate issuance system by all dealers as a precondition for authority for a dealer to issue temporary license plates or markers.

ARTICLE 6B. LICENSE SERVICES.

§17A-6B-10. Temporary registration plates or markers.

(a) In order to permit a vehicle which is to be titled and registered to be operated on the streets and highways pending receipt of the annual registration plate from the division for such vehicle, the commissioner may, subject to the limitations and conditions hereinafter set forth, deliver temporary vehicle registration plates or markers to persons engaged in license service businesses who in turn may, subject to the limitations and conditions hereinafter set forth, issue the same to applicants for title and registration of vehicles, but such applicants must comply with the pertinent provisions of this section.

(b) Application by a license service business to the commissioner for such temporary registration plates or markers shall be made on the form prescribed and furnished by the commissioner for such purpose and shall be accompanied by a fee of \$3 for each such temporary registration plate or marker. No refund or credit of fees paid by license services to the commissioner for temporary registration plates or markers shall be allowed, except that in the event the commissioner discontinues the issuance of such temporary plates or markers, license

services returning temporary registration plates or markers to the commissioner may petition for and be entitled to a refund or a credit thereof.

(c) Every license service who has made application for and received temporary registration plates or markers shall maintain in permanent form a record of all temporary registration plates or markers delivered to the licensee, a record of all temporary registration plates or markers issued, and a record of any other information pertaining to the receipt or the issuance of temporary registration plates or markers which the commissioner may require. Each such record shall be kept for a period of at least three years from the date of the making thereof.

Every licensee who issues a temporary registration plate or marker shall, within five working days after the issuance of such plate or marker, send to the division a copy of the temporary registration plate or marker certificate properly executed by the license service and the purchaser.

No temporary registration plates or markers may be delivered to any license service until such license service has fully accounted to the commissioner for the temporary registration plates or markers last delivered to such license service, by showing the number issued to purchasers by such license service and any on hand.

(d) A license service shall not issue, assign, or deliver a temporary registration plate or marker to anyone other than the bona fide applicant for title and registration of the vehicle to be registered. Not more than one temporary registration plate or marker shall be issued to the same bona fide applicant for the same vehicle. A license service shall not issue a temporary registration plate or marker to anyone ~~possessed of~~ possessing an annual registration plate for a vehicle which has been sold or exchanged, except a license service may issue a temporary registration plate or marker to the bona fide applicant of a vehicle to be registered who possesses an annual registration plate of a different class and makes application to the division to exchange such annual registration plate of a different class in accordance with the provisions of §17A-4-1 of this code. A license service shall not lend to anyone, or use on any vehicle which he or she may own, a temporary registration plate or marker.

It is unlawful for any license service to issue any temporary registration plate or marker which contains a misstatement of fact or false information.

No license service shall issue, assign, or deliver a temporary registration plate or marker to anyone unless and until the license service has physical possession of the application and appropriate fees and taxes of the vehicle to be titled and registered. Such application, fees, and taxes shall be postmarked to the issuing agency or submitted to the Division of Motor Vehicles within 48 hours after issuance of the temporary plate or marker.

(e) Every license service who issues temporary registration plates or markers shall affix or insert clearly and indelibly on the face of each temporary registration plate or marker the date of issuance and expiration thereof, and the make, model, and serial number of the vehicle for which issued.

(f) If the commissioner finds that the provisions of this section or his or her directions are not being complied with by a license service, he or she may suspend the right of such license service to issue temporary registration plates or markers.

(g) A temporary registration plate or marker shall expire upon the receipt of the annual registration plate from the division, or upon the rescission of the contract to purchase the vehicle

in question, or upon the expiration of ~~sixty~~ 90 days from the date of issuance, depending upon which event occurs first.

(h) A license service may charge a fee not to exceed \$5 for issuing a temporary registration plate or marker.

ARTICLE 6C. AUTOMOBILE AUCTION BUSINESSES.

§17A-6C-11. Temporary registration plates or markers.

(a) In order to permit a vehicle which is to be titled and registered to be operated on the streets and highways pending receipt of the annual registration plate, the commissioner may, subject to the following limitations, deliver temporary vehicle registration plates or markers to persons engaged in the automobile auction business for issuance to applicants for title and registration of vehicles.

(b) An application by an automobile auction business to the commissioner for temporary registration plates or markers shall be made on the form prescribed and furnished by the commissioner and shall be accompanied by a fee of \$3 for each temporary registration plate or marker. No refund or credit of fees paid by automobile auction businesses to the commissioner for temporary registration plates or markers is allowed, except in the event the commissioner discontinues the issuance of temporary plates or markers. Automobile auction businesses returning temporary registration plates or markers to the commissioner may petition for and be entitled to a refund or a credit.

(c) Every automobile auction business applying for and receiving temporary registration plates or markers shall maintain in permanent form a record of all temporary registration plates or markers delivered to the licensee, a record of all temporary registration plates or markers issued and a record of any other information pertaining to the receipt or the issuance of temporary registration plates or markers which the commissioner may require. Each record shall be kept for a period of at least three years from the date issued. Every automobile auction business issuing a temporary registration plate or marker shall send to the division a copy of the temporary registration plate or marker certificate properly executed by the automobile auction business and the purchaser within five working days after the issuance of the plate or marker. No temporary registration plates or markers may be delivered to any automobile auction business until the business has fully accounted to the commissioner for the temporary registration plates or markers last delivered by showing the number issued to purchasers and the number remaining to be issued.

(d) An automobile auction business may not issue, assign, or deliver a temporary registration plate or marker to anyone other than the bona fide applicant for title and registration of the vehicle to be registered. Not more than one temporary registration plate or marker may be issued to the same bona fide applicant for the same vehicle. An automobile auction business may not issue a temporary registration or marker to anyone possessing an annual registration plate for a vehicle which has been sold or exchanged, except an automobile auction business may issue a temporary registration plate or marker to the bona fide applicant who possesses an annual registration plate of a different class and it may make application to the division to exchange the annual registration plate of a different class in accordance with the provisions of §17A-4-1 of this code. An automobile auction business may not lend to anyone or use on any vehicle which it may own, a temporary registration plate or marker. It is unlawful for any automobile auction business

to issue any temporary registration plate or marker which contains a misstatement of fact or false information.

(e) Every automobile auction business issuing temporary registration plates or markers shall affix or insert clearly and indelibly on the face of each temporary registration plate or marker the date of issuance, the date of expiration and the make, model, and serial number of the vehicle.

(f) If the commissioner finds that the provisions of this section or his or her directions are not being complied with by an automobile auction business, the commissioner may suspend the right of the automobile auction business to issue temporary registration plates or markers.

(g) A temporary registration plate or marker expires upon the receipt of the annual registration plate from the division, or upon the rescission of the contract to purchase the vehicle in question, or upon the expiration of ~~sixty~~ 90 days from the date of issuance, whichever event occurs first.

The bill (Eng. Com. Sub. for H. B. 2530), as amended, was then ordered to third reading.

Eng. House Bill 2533, Relating to a permanent windshield placard to be valid for the duration of the applicant's life.

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

On motion of Senator Clements, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 3, section 6, line 64, after the word "height" by inserting the words "for a temporary placard";

On page 5, section 6, line 118, after the word "apply" by inserting the word "for";

And,

On page 6, section 6, lines 123 and 124, by striking out the words "and permanent removable windshield placards".

The bill (Eng. H. B. 2533), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 51, Requiring impact statement in certain instances of school closing or consolidation.

Com. Sub. for Senate Bill 239, Requiring Commissioner of Bureau for Behavioral Health to engage certain providers and leaders to study homeless demographic.

Senate Bill 241, Relating to Patient Brokering Act.

Com. Sub. for Senate Bill 243, Requiring substance use disorder inpatient providers to provide transportation to patients.

Com. Sub. for Senate Bill 248, Clarifying when excess funds accumulated by boards are to be transferred to General Revenue Fund.

Senate Bill 251, Displaying official motto of United States in public schools and institutions of higher education.

Com. Sub. for Senate Bill 258, Eliminating ceiling on fair market value of consumer goods and permitting dealer to require security deposit.

Com. Sub. for Senate Bill 270, Adding exemption to permit requirement for cremation.

Com. Sub. for Senate Bill 271, Modifying approval process requirements for First Responders Honor Board.

Com. Sub. for Senate Bill 282, Creating WV Guardian Program.

Com. Sub. for Senate Bill 426, Banning use of certain products and platforms deemed unsafe or high risk on government systems.

And,

Com. Sub. for Senate Bill 439, Establishing design-build program for DEP .

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Caputo and Oliverio.

Thereafter, at the request of Senator Oliverio, and by unanimous consent, the remarks by Senator Caputo were ordered printed in the Appendix to the Journal.

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

The Senate proceeded to the thirteenth order of business.

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 25, 2023:

Senate Bill 46: Senator Deeds;

Senate Bill 52: Senator Taylor;

Com. Sub. for Senate Bill 53: Senator Taylor;

Senate Bill 160: Senators Deeds and Taylor;

Senate Bill 166: Senator Barrett;

Senate Bill 168: Senator Chapman;

Com. Sub. for Senate Bill 209: Senator Chapman;

Senate Bill 210: Senator Chapman;

Com. Sub. for Senate Bill 233: Senator Chapman;

Senate Bill 290: Senators Clements and Barrett;

Senate Bill 433: Senator Chapman;

Senate Bill 441: Senator Chapman;

Senate Bill 447: Senator Chapman;

Senate Bill 454: Senator Taylor;

Senate Bill 462: Senator Barrett;

Senate Bill 465: Senators Deeds and Plymale;

Senate Bill 466: Senators Smith and Barrett;

Senate Bill 467: Senator Deeds;

Senate Bill 468: Senators Maynard, Stover, Caputo, and Plymale;

Senate Bill 469: Senators Deeds, Queen, Caputo, Takubo, Tarr, Woelfel, and Nelson;

Senate Bill 472: Senators Grady, Deeds, Rucker, Woelfel, Phillips, and Tarr;

Senate Bill 473: Senators Rucker and Woodrum;

Senate Bill 474: Senator Plymale;

Senate Bill 475: Senator Plymale;

And,

Senate Resolution 15: Senator Senators Swope, Caputo, and Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:32 a.m., the Senate adjourned until tomorrow, Friday, January 27, 2023, at 9 a.m.

SENATE CALENDAR

**Friday, January 27, 2023
9:00 AM**

THIRD READING

- Eng. Com. Sub. for S. B. 202 - Increasing terms of Natural Resources Commission members from four to seven years
- Eng. Com. Sub. for S. B. 254 - Relating generally to mandatory state inspection of certain motor vehicles
- Eng. S. B. 276 - Awarding service weapon of retiring State Fire Marshal (original similar to HB2871)
- Eng. S. B. 283 - Relating to Military Incentive Program - (Com. title amend. pending)
- Eng. Com. Sub. for S. B. 292 - Health Care Sharing Ministries Freedom to Share Act
- Eng. 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

SECOND READING

- Com. Sub. for S. B. 51 - Requiring impact statement in certain instances of school closing or consolidation
- Com. Sub. for S. B. 239 - Requiring Commissioner of Bureau for Behavioral Health to engage certain providers and leaders to study homeless demographic
- S. B. 241 - Relating to Patient Brokering Act
- Com. Sub. for S. B. 243 - Requiring substance use disorder inpatient providers to provide transportation to patients
- Com. Sub. for S. B. 248 - Clarifying when excess funds accumulated by boards are to be transferred to General Revenue Fund
- S. B. 251 - Displaying official motto of United States in public schools and institutions of higher education
- Com. Sub. for S. B. 258 - Eliminating ceiling on fair market value of consumer goods and permitting dealer to require security deposit
- Com. Sub. for S. B. 270 - Adding exemption to permit requirement for cremation
- Com. Sub. for S. B. 271 - Modifying approval process requirements for First Responders Honor Board (original similar to HB2873)

Com. Sub. for S. B. 282 - Creating WV Guardian Program

Com. Sub. for S. B. 426 - Banning use of certain products and platforms deemed unsafe or high risk on government systems (original similar to HB2898)

Com. Sub. for S. B. 439 - Establishing design-build program for DEP

FIRST READING

Com. Sub. for S. B. 160 - Relating to WV Rail Trails Program

Com. Sub. for S. B. 166 - Relating to reemployment after retirement by public employees

Com. Sub. for S. B. 188 - Creating Grid Stabilization and Security Act of 2023

Com. Sub. for S. B. 222 - Creating taskforce to consider options for direct funding of adult education learning centers

S. B. 240 - Requiring state board of examination or registration proceedings to be open to public inspection

Com. Sub. for S. B. 249 - Amending Real Estate License Act

S. B. 306 - Establishing Summer Feeding for All Program

Com. Sub. for S. B. 335 - Authorizing Department of Homeland Security to promulgate legislative rules

Com. Sub. for S. B. 356 - Authorizing DOT to promulgate legislative rules

S. B. 428 - Revising requirements of local school improvement councils - (Com. title amend. pending)

S. B. 443 - Directing payment of estate administration fee to State Auditor

S. B. 444 - Transferring moneys in WV Future Fund to General Revenue Fund

S. B. 446 - Removing methanol and methanol fuel from definition of special fuel

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2023

Friday, January 27, 2023

10 a.m.

Workforce

(Room 208W)