

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2023
TWENTY-FIRST DAY

Charleston, West Virginia, Tuesday, January 31, 2023

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Richard Thompson, Pastor of Care Ministries, Bible Center Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael A. Oliverio II, a senator from the thirteenth district.

Pending the reading of the Journal of Monday, January 30, 2023,

At the request of Senator Boley, 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 fourth order of business.

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 198, Requiring counties to register automated external defibrillators with Office of Emergency Medical Services.

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

Com. Sub. for Senate Bill 198 (originating in the Committee on Government Organization)—
A Bill to amend and reenact §16-4D-1, §16-4D-2, §16-4D-3, and §16-4D-4 of the Code of West Virginia, 1931, as amended, all relating to automated external defibrillator devices (AEDs); stating findings; revising definitions; modifying AED registration requirements; eliminating requirement to designate medical director; and clarifying limitation on liability.

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,

Jack David Woodrum,
Chair.

The bill (Com. Sub. for S. B. 198), under the original double committee reference, was then referred to the Committee on Finance.

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 205, Relating to registration plates.

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

Com. Sub. for Senate Bill 205 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto eight new sections, designated as §17A-3-14a, §17A-3-14b, §17A-3-14c, §17A-3-14d, §17A-3-14e, §17A-3-14f, §17A-3-14g, and §17A-3-14h, all relating to registration plates; authorizing special registration plates; establishing fees; authorizing the suspension of registration of any owner who displays a damaged or illegible plate or otherwise fails to comply with legal requirements; voiding license plates issued or renewed and paid for by worthless check; authorizing Division of Motor Vehicles to accept or authorize electronic signatures; and authorizing issuance of special registration plates as authorized by joint resolution of the Legislature or upon direct request to the Division of Motor Vehicles.

Senate Bill 250, Requiring level one permit holders to display student driver on rear of vehicle.

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

Com. Sub. for Senate Bill 250 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17B-2-3a of the Code of West Virginia, 1931, as amended, relating to require level one permit holders in the graduated driver's license program to display a student driver sign.

And,

Senate Bill 463, Increasing validity of CDL instruction permit.

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

Com. Sub. for Senate Bill 463 (originating in the Committee on Transportation and Infrastructure)—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.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Charles H. Clements,
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 224, Establishing revocation of authority for spending by agency in support of challenge to WV law.

Eng. House Bill 2776, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act.

And,

Eng. House Bill 2777, Updating federal taxable income and other terms in the West Virginia Corporation Net Income Tax Act.

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

Respectfully submitted,

Eric J. Tarr,
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 275, Adding State Fire Marshals to statute included with law enforcement and first responders that receive information on school safety requirements.

And reports the same back with the recommendation that it 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 294, Clarifying amount of deputy sheriff annual salary increase.

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

Com. Sub. for Senate Bill 294 (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-14-17c of the Code of West Virginia, 1931, as amended, relating to clarifying the amount of a deputy sheriff's annual monetary payment for years of service; setting date for calculation and payment of supplement; providing for eligibility requirement for monetary supplement; and establishing that supplement is to be considered in calculating deputy sheriff's benefits.

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,

Jack David Woodrum,
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 Government Organization.

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 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, and 355, Authorizing Division of Financial Institutions to promulgate legislative rule relating to money transmission services.

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

Com. Sub. for Senate Bill 345 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-7-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Revenue to promulgate legislative rules; authorizing the rules as filed, as modified, and as modified and amended by the Legislative Rule-Making Review Committee, and as amended by the Legislature; relating to authorizing the Division of Financial Institutions to promulgate a legislative rule relating to money transmission services; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to suitability in annuity transactions; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to pharmacy auditing entities and pharmacy benefit managers; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to bail bondsmen in criminal cases; relating to authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia Lottery sports wagering; relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to the valuation of producing and reserve oil, natural gas liquids, and natural gas for ad valorem property tax purposes; relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to West Virginia Film Industry Investment Act; relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to the Farm-to-Food Bank tax credit; relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to property transfer tax; relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to municipal sales and use tax administration; and relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to a personnel rule for the Tax Division.

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 445, Repealing outdated section of WV code relating to WV Graduate College and Marshall University.

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 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 457, Removing certain activities Alcohol Beverage Control Commission licensee is prohibited to permit on private club premises.

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

Respectfully submitted,

Jack David Woodrum,
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 461, Relating to WV public employees grievance procedure.

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

Com. Sub. for Senate Bill 461 (originating in the Committee on the Judiciary)—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 the West Virginia Public Employees Grievance Procedure; defining terms; clarifying actions by an agency taken during a declared state of

preparedness or emergency or any matter relating to protected classes are not subject to grievances; providing that Division of Personnel may not be a party in certain circumstances; requiring a notarized grievance form and providing for multiple grievant parties; providing a grievance must be filed within the time limits specified or it may be dismissed; extending certain time limits; providing for grievance dismissal for untimeliness, lack of jurisdiction, or failure to state a claim and appeals of such dismissal; updating default process to include employer; providing the grievance evaluator and the administrative law judge may not hold a motion to dismiss in abeyance while other proceedings take place; clarifying that grievances may be consolidated as long as the initial grievance has not been dismissed; providing that proceedings may be rescheduled for good cause shown; requiring grievant representatives provide the names and work location of employees being represented; requiring that employees provide the name and contact information of his or her representative; directing Grievance Board to make available certain forms; providing that employee annual leave will be charged for work hours used in preparing for and attending the grievance hearing in excess of certain limits; providing for the chief administrator's resolution of certain disputes and further providing for discretionary recording of conference; limiting annual number of grievances an employee may serve as a representative; providing for conference recordings; requiring grievance to be held in abeyance under certain circumstances; clarifying employee representation is limited by work requirements; requiring grievant to provide copies of grievance in certain cases; updating appellate procedure from level three decision; and providing for award of costs and attorney fees.

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 469, Providing funding for CPR instruction to high school students.

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

Respectfully submitted,

Amy N. Grady,
Chair.

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

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 472, Creating criminal offense of indecent exposure in front of minors.

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

Com. Sub. for Senate Bill 472 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-8-9 of the Code of West Virginia, 1931, as amended, relating generally to indecent exposure; clarifying the essential elements of different forms of indecent exposure; authorizing a person convicted of third offense indecent exposure for purposes of sexual gratification to be both fined and imprisoned; creating the criminal offense of indecent exposure in front of minors; defining terms; and establishing criminal penalties for the new offense.

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

Eng. House Bill 2564, Repeal of administrative hearing procedures for DUI offenses.

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

Respectfully submitted,

Charles S. Trump IV,
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 520—A Bill to amend and reenact §5-16-9 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Public Employees Insurance Act; and removing the decrease in the amount of group life and accidental death insurance to which an employee is entitled upon attainment of 65 years of age.

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

By Senator Takubo:

Senate Bill 521—A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §16A-8-1 of said code; and to amend and reenact §60A-9-4 of said code, all relating generally to medical cannabis; modifying allowable forms of medical cannabis to include edible form; modifying the unlawful use of medical cannabis; relating to the controlled substance monitoring database; adding the reporting of dispensing

medical cannabis to the controlled substance monitoring database; and relating to certain required information for controlled substances monitoring.

Referred to the Committee on Health and Human Resources.

By Senator Tarr:

Senate Bill 522—A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to allocating a percentage of county excise taxes received from transfers of title to real estate in each county for funding improvements to election administration, infrastructure, and physical and cyber security; allocating a percentage of county excise taxes received from transfers of title to real estate in each county for funding other county purposes including, but not limited to, compliance with the Uniform Real Property Electronic Recording Act; authorizing the Secretary of State to promulgate legislative rules establishing minimum adequate funding thresholds and standards based on county classification for improving election administration, infrastructure, and security; and authorizing county clerks to reallocate the excess portion of funding for improving election administration, infrastructure, and security to other approved county purposes upon determination by the Secretary of State that the minimum funding thresholds and standards have been met.

Referred to the Committee on Government Organization.

By Senator Tarr:

Senate Bill 523—A Bill to amend and reenact §31-15-23a of the Code of West Virginia, 1931, as amended, relating to funding for infrastructure and economic development; clarifying the purposes and use of the Economic Development Project Fund; providing that funds may be used solely for loans; providing for repayment of loans; and providing a maximum of amount of the funds that may be used for financing high impact development projects.

Referred to the Committee on Finance.

By Senator Tarr:

Senate Bill 524—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7h; to amend and reenact §11-21-10a of said code; to amend said code by adding thereto a new section, designated §16-5K-7; to amend and reenact §16-58-3, §16-58-4, and §16-58-6 of said code; to amend said code by adding thereto a new section, designated §16-58-7; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3ww; to amend said code by adding thereto a new section, designated §33-24-7x; to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating to family planning services; requiring insurance coverage for specified sterilization procedures; providing a one-time tax credit for adoption expenses; providing for early intervention services for newly adopted newborn children; eliminating barriers to contraceptives; requiring the state health officer to prescribe self-administered hormonal contraceptive on statewide basis; providing civil immunity to the state health officer; requiring local boards of health provide hormonal and nonhormonal contraceptives free of charge; establishing a special revenue account; setting out purpose of the account; providing for rulemaking; and making technical corrections.

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

By Senators Plymale and Caputo:

Senate Bill 525—A Bill to amend and reenact §23-4-6a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §23-4-26, all relating to occupational pneumoconiosis; eliminating the prohibition on permanent partial disability awards based solely on a diagnosis of occupational pneumoconiosis; declaring that an employee with occupational pneumoconiosis without measurable pulmonary impairment shall be paid certain benefits; and requiring certain claimants to receive permanent partial disability awards that may later be offset from a future disability award.

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

By Senators Takubo and Tarr:

Senate Bill 526—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-66-1, relating to including the early detection and diagnosis of Alzheimer's and other dementias in existing public health programs and services.

Referred to the Committee on Health and Human Resources.

By Senators Trump, Azinger, Grady, Rucker, Stover, Stuart, Takubo, Tarr, Taylor, Weld, and Woodrum:

Senate Bill 527—A Bill to amend and reenact §7-1-3II of the Code of West Virginia, 1931, as amended, relating to extending the right to receive copies or view, free of charge, copies of the discharge certificate or report of separation from active duty to the family members of persons discharged from the United States Armed Forces.

Referred to the Committee on Military.

By Senators Barrett, Hunt, Maynard, and Rucker:

Senate Bill 528—A Bill to amend and reenact §16-2D-1, §16-2D-3, §16-2D-4, §16-2D-6, §16-2D-12, and §16-2D-15, all relating to certificate of need, requiring that the certificate of need standards be subject to legislative rule-making review procedures by requiring the certificate of need standards be filed as legislative rules; and providing that the certificate of need standards shall be repealed upon the approval by the Legislature of the legislative rule.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 529—A Bill to amend and reenact §47B-10-3 of the Code of West Virginia 1931, as amended, relating to allowing for the formation of limited liability limited partnerships.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 530—A Bill to amend and reenact §51-9-6a of the Code of West Virginia 1931, as amended, relating to expanding those who may be eligible for judicial retirement.

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

By Senator Woodrum:

Senate Bill 531—A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new article, designated §31B-14-101, §31B-14-102, §31B-14-103, §31B-14-104, and §31B-14-105; and to amend and reenact §59-1-2 of said code, all relating to the creation of

protected series under a parent limited liability company; providing for the allowance of a protected series; providing for a name; providing for a reporting to the West Virginia Secretary of State; providing for the effect of the operating agreement and a nonwaivable provision; and providing for the application of the article.

Referred to the Committee on the Judiciary.

By Senators Hunt, Azinger, Chapman, Deeds, Hamilton, Maynard, Plymale, Roberts, Rucker, Stover, Stuart, and Taylor:

Senate Bill 532—A Bill to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-6-609 of said code; and to amend said code by adding thereto a new section, designated §61-8-32, all relating to the crime of solicitation of a minor; requiring registration as a sex offender for those convicted of offense; and establishing criminal penalties.

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

By Senator Nelson:

Senate Bill 533—A Bill to amend and reenact §19-4-1 of the Code of West Virginia, 1931, as amended, relating to limitations on motor vehicles used by nonprofit cooperative recycling associations for the collection and transportation of recyclable goods.

Referred to the Committee on Agriculture and Natural Resources.

By Senator Trump:

Senate Bill 534—A Bill to amend and reenact §11-16-3, §11-16-6a, §11-16-8, and §11-16-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3A-8 of said code; to amend and reenact §60-4-3a, §60-4-3b, and §60-4-23 of said code; to amend and reenact §60-7-2 of said code; to amend said code by adding thereto three new sections, designated §60-7-2a, §60-7-6, and §60-7-8a; to amend said code by adding thereto a new section, designated §60-8-6g; and to amend and reenact §60-8A-5 of said code, all relating to nonintoxicating beer, nonintoxicating craft beer, cider, wine, and liquor license requirements; to promote tourism in the state by permitting authorized brewers, resident brewers, wineries, farm wineries, distilleries, mini-distilleries, and micro-distilleries a limited off-site retail privilege at private fair and festivals for off-premises consumption sales for nonintoxicating beer, nonintoxicating craft beer, cider, wine, and liquor manufactured by the brewers, resident brewers, wineries, farm wineries, distilleries, mini-distilleries, and micro-distilleries, requirements, requiring payment of taxes, fees and markups, and no license fee; clarifying the nonintoxicating beer growler requirements for contents and sealing; clarifying brewer and resident brewer place of manufacture requirements for additional places of manufacture based on manufacturing volume capacity; clarifying nonintoxicating beer license requirements for persons, trusts and fairs and festivals; clarifying retail liquor outlet license requirements for applicants; clarifying distilleries, mini-distilleries, and micro-distilleries requirements for fairs and festivals; clarifying that the statute applying to distilleries and mini-distilleries also applies to micro-distilleries; clarifying that exotic entertainment facility applicants and licensees are licensed as various private club license types and are charged the same private club license type license fee; clarifying exotic entertainment, licensure, and definitions; permitting dually licensed events, and a license fee; creating a private coliseum or center license, requirements, definition, use for dual licensing, and fee; clarifying dual licensing requirements and authorization for private fair and festivals, requirements, and no license fee; permitting private fairs and festivals to conduct on-premises consumption sales with certain requirements; permitting private fairs and festivals to allow authorized brewers, resident brewers, wineries, farm

wineries, distilleries, mini-distilleries, and micro-distilleries to conduct limited off-premises consumption retail sales with certain requirements from the private fair and festival's licensed premises; amending the private fair and festival license and revising the license fee; and permitting a private wine restaurant to operate a separately licensed but connected wine specialty shop.

Referred to the Committee on the Judiciary.

Senators Smith, Taylor, and Weld offered the following resolution:

Senate Concurrent Resolution 6—Requesting the Division of Highways name bridge number 47-219/00-021.87 (47A060), (39.15277, -79.49617), locally known as Thomas Bridge, carrying US 219 over N. FK. Blackwater River in Tucker county, the "U. S. Army SGT Vincent DiBacco Memorial Bridge".

Which, under the rules, lies over one day.

Senator Weld offered the following resolution:

Senate Resolution 21—Designating February 1, 2023, as National Unclaimed Property Day at the Legislature.

Which, under the rules, lies over one day.

Senators Plymale and Woelfel offered the following resolution:

Senate Resolution 22—Designating February 1, 2023, as Marshall University Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 18, Designating January 31, 2023, as WVU Day at Legislature.

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

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

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senator Oliverio regarding the adoption of Senate Resolution 18 were ordered printed in the Appendix to the Journal.

Senate Resolution 19, Designating January 31, 2023, as WV Academy of Family Physicians' Day at Legislature.

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.

Senate Resolution 20, Recognizing Leadership Jefferson for its service, dedication, and commitment to Jefferson County.

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

At the request of Senator Rucker, 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 160, WV Rail Trails Program.

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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

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. 160) passed with its title.

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

Eng. Com. Sub. for Senate Bill 166, WV Public Employees Retirement Act.

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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

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. 166) passed with its title.

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

Eng. Com. Sub. for Senate Bill 222, Creating adult education taskforce.

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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

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. 222) passed with its title.

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

Eng. Com. Sub. for Senate Bill 249, WV Real Estate License Act.

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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

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. 249) 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 306, Establishing Summer Feeding for All Program.

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

Pending discussion,

The question being "Shall Engrossed S. B. 306 pass?"

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Karnes—1.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 306) passed with its title.

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

Eng. Com. Sub. for Senate Bill 335, Authorizing Department of Homeland Security to promulgate legislative rules.

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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

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. 335) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

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. 335) 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 428, Revising requirements of local school improvement 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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 428) passed.

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

Eng. Senate Bill 428—A Bill to amend and reenact §18-5A-2 of the Code of West Virginia, 1931, as amended, relating to Local School Improvement Councils; revising council membership requirements; requiring minutes be taken at every council meeting; revising requirements pertaining to annual council meeting regarding the school's academic performance; requiring training on the role and governance of the councils and the production of a document on parent and community leader roles in the councils; and allowing public charter schools to abide by all or some of the local school improvement council requirements.

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

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

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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 443) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2023.

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 443) takes effect July 1, 2023.

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

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

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

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 444) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2023.

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 444) takes effect July 1, 2023.

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

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

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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 446) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2023.

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 446) takes effect July 1, 2023.

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 188, Grid Stabilization and Security Act of 2023.

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

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

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

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

On page 5, section 13, line 2, by striking out the words "and office addresses";

And,

On page 5, section 13, lines 3 and 4, after the word "name" by inserting a period and striking out the remainder of the sentence.

The bill (S. B. 240), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 356, Authorizing DOT to promulgate legislative rules.

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

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

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

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

On motion of Senator Trump, 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 6B. CYBER SECURITY PROGRAM.

§5A-6B-4a. High-risk platforms, services, applications, programs, and products.

(a) The Legislature hereby finds and declares that it is in the best interest of the citizens of West Virginia and to national security to enact measures designed to safeguard against untrustworthy and high-risk technology and to block such technology from interfering with or damaging critical state networks and infrastructure. The use of certain information and communication technologies and services can create opportunities for foreign adversaries to exploit vulnerabilities and take adverse action against the United States or allies, which could directly or indirectly affect the safety and security of West Virginia citizens, and such use also create opportunities for adversaries to exploit vulnerabilities and take adverse action against state or local government networks and infrastructure within or connected to West Virginia. As the threat landscape evolves, West Virginia shall work in cooperation with the federal government to implement appropriate safeguards to defend government networks in West Virginia and in the United States from foreign technology threats.

(b) Notwithstanding the provision of §5A-6B-1(b) of this code, all state agencies, including without limitation agencies within the executive, legislative, and judicial branches, all constitutional officers, local government entities as defined by §7-1-1 or §8-1-2 of this code, county boards of education as defined by §18-1-1 of this code, and all state institutions of higher education as defined by §18B-1-2 of this code, shall enforce statewide standards developed by the Chief Information Security Officer regarding high-risk technology platforms, services, applications, programs, or products. Additionally, all government entities subject to this subsection must, consistent with those standards and any other applicable state or federal law, restrict, remove, ban or otherwise block access to high-risk technology platforms, services, applications, programs, or products on all government systems, services, networks, devices, or locations. For purposes of this subsection, high-risk technology platforms, services, applications, programs, or products are those designated as such in the Statewide Cybersecurity Standard published and maintained by the Chief Information Security Officer, and shall include TikTok. Provided, any standards developed by the Chief Information Security Officer regarding high-risk technology platforms, services, applications, programs, or products shall contain exceptions permitting, in appropriate circumstances, the use of those platforms, services, applications, programs, or products for law enforcement activities, national security interests and activities, security research, investigative efforts authorized by this code, and for other purposes related to actual or potential litigation involving the state or one of its agencies or officers; and provided further, that the Chief Information Security Officer shall develop standards and requirements designed to mitigate the risk of any such authorized use of a high-risk platform, service, application, program, or product pursuant to the exceptions set forth in this section.

(c) The Secretary of the Department of Administration may propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code and may also promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code when necessary to facilitate completion of the duties imposed on the Chief Information Security Officer by and enforcement of the standards referenced in this section.

The bill (Com. Sub. for S. B. 426), as amended, was then ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill 2018, Permitting the managed care case coordinator to attend the multidisciplinary team meeting.

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

Eng. House Bill 2029, Repealing the creation of an all-payer claims database.

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

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

The Senate then proceeded to the thirteenth order of business.

At the request of Senator Takubo, unanimous consent being granted, leaves of absence for the day were granted Senators Azinger, Plymale, and Hamilton.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on January 30, 2023:

Senate Bill 435: Senator Trump.

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 30, 2023:

Senate Bill 179: Senator Stuart;

Senate Bill 256: Senator Roberts;

Senate Bill 461: Senator Rucker;

Senate Bill 472: Senator Hunt;

Senate Bill 483: Senator Woelfel;

Senate Bill 485: Senator Hamilton;

Senate Bill 489: Senator Woelfel;

Senate Bill 495: Senator Woelfel;

Senate Bill 497: Senator Woelfel;

Senate Bill 498: Senator Martin;

Senate Bill 509: Senator Woelfel;

Senate Bill 511: Senator Deeds;

Senate Bill 519: Senators Deeds and Roberts;

Senate Joint Resolution 6: Senator Grady;

Senate Resolution 16: Senators Hamilton and Nelson;

Senate Resolution 18: Senators Hamilton, Swope, Takubo, Nelson, Phillips, and Grady;

Senate Resolution 19: Senators Hamilton, Swope, Nelson, and Phillips

And,

Senate Resolution 20: Senators Swope and Phillips.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:56 a.m., the Senate adjourned until tomorrow, Wednesday, February 1, 2023, at 11 a.m.

SENATE CALENDAR

**Wednesday, February 01, 2023
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 6 - US Army SGT Vincent DiBacco Memorial Bridge
- S. R. 21 - Designating February 1, 2023, as National Unclaimed Property Day at Legislature
- S. R. 22 - Designating February 1, 2023, as Marshall University Day at Legislature

THIRD READING

- Eng. Com. Sub. for S. B. 188 - Grid Stabilization and Security Act of 2023
- Eng. S. B. 240 - Requiring state board of examination or registration proceedings to be open to public inspection
- Eng. 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)
- Eng. Com. Sub. for H. B. 2018 - Permitting the managed care case coordinator to attend the multidisciplinary team meeting
- Eng. H. B. 2029 - Repealing the creation of an all-payer claims database (original similar to HB2519)

SECOND READING

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

FIRST READING

- Com. Sub. for S. B. 205 - Relating to registration plates (original similar to HB2565)
- S. B. 224 - Establishing revocation of authority for spending by agency in support of challenge to WV law (original similar to SB239)
- Com. Sub. for S. B. 250 - Requiring level one permit holders to display student driver on rear of vehicle
- S. B. 275 - Adding State Fire Marshals to statute included with law enforcement and first responders that receive information on school safety requirements (original similar to HB2819)
- Com. Sub. for S. B. 294 - Clarifying amount of deputy sheriff annual salary increase
- Com. Sub. for S. B. 345 - Authorizing Division of Financial Institutions to promulgate legislative rule relating to money transmission services

- S. B. 445 - Repealing outdated section of WV code relating to WV Graduate College and Marshall University - (Com. title amend. pending)
- S. B. 457 - Removing certain activities Alcohol Beverage Control Commission licensee is prohibited to permit on private club premises
- Com. Sub. for S. B. 461 - Relating to WV public employees grievance procedure
- Com. Sub. for S. B. 463 - Increasing validity of CDL instruction permit (original similar to HB3032)
- Com. Sub. for S. B. 472 - Creating criminal offense of indecent exposure in front of minors
- Eng. H. B. 2564 - Repeal of administrative hearing procedures for DUI offenses (original similar to SB284)
- Eng. H. B. 2776 - Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act (original similar to SB427)
- Eng. H. B. 2777 - Updating federal taxable income and other terms in the West Virginia Corporation Net Income Tax Act (original similar to SB421)