

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Thursday, February 2, 2023

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Josh Rhodes, Pastor of Ministries, Chestnut Ridge Church, Morgantown, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ben Queen, a senator from the twelfth district.

Pending the reading of the Journal of Wednesday, February 1, 2023,

At the request of Senator Smith, 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 amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 83, Authorizing tactical medical professionals to carry firearms.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

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

ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

§30-29-3. Duties of the subcommittee.

(a) The subcommittee shall, by or pursuant to rules proposed for legislative approval in accordance with §29A-3-1 *et seq.* of this code:

(1) Provide funding for the establishment and support of law-enforcement training academies in the state;

(2) Establish standards governing the establishment and operation of the law-enforcement training academies, including regional locations throughout the state, in order to provide access to each law-enforcement agency in the state in accordance with available funds;

(3) Establish minimum law-enforcement instructor qualifications;

(4) Certify qualified law-enforcement instructors;

(5) Maintain a list of approved law-enforcement instructors;

(6) Promulgate standards governing the training, firearms qualification, and initial and ongoing professional certification of law-enforcement officers and the entry-level, law-enforcement training curricula. These standards shall require satisfactory completion of a minimum of 800 classroom hours as promulgated by legislative rule and shall provide that the required classroom hours shall be accumulated on the basis of a full-time curricula;

(7) Establish standards governing in-service, law-enforcement officer training curricula and in-service supervisory level training curricula;

(8) Certify organized criminal enterprise investigation techniques with a qualified anti-racial profiling training course or module;

(9) Establish standards governing mandatory training to effectively investigate organized criminal enterprises as defined in §61-13-1 *et seq.* of this code while preventing racial profiling, as defined in §30-29-10 of this code, for entry-level training curricula and for law-enforcement officers who have not received such training as certified by the subcommittee as required in this section;

(10) Establish procedures for implementation of a course in investigation of organized criminal enterprises which includes an anti-racial training module to be available on the Internet or otherwise to all law-enforcement officers. The procedures shall include the frequency with which a law-enforcement officer shall receive training in investigation of organized criminal enterprises and anti-racial profiling and a time frame for which all law-enforcement officers must receive such training: *Provided*, That all law-enforcement officers in this state shall receive such training no later than July 1, 2012. In order to implement and carry out the intent of this section, the subcommittee may promulgate emergency rules pursuant to §29A-3-15 of this code;

(11) Certify or decertify or reactivate law-enforcement officers, as provided in §30-29-5 and §30-29-11 of this code;

(12) Establish standards and procedures for the reporting of complaints and certain disciplinary matters concerning law-enforcement officers and for reviewing the certification of law-enforcement officers. These standards and procedures shall provide for preservation of records and access to records by law-enforcement agencies and conditions as to how the information in those records is to be used regarding an officer's law-enforcement employment by another law-enforcement agency;

(A) The subcommittee shall establish and manage a database that is available to all law-enforcement agencies in the state concerning the status of any person's certification.

(B) Personnel or personal information not resulting in a criminal conviction is exempt from disclosure pursuant to the provisions of chapter 29B of this code;

(13) Seek supplemental funding for law-enforcement training academies from sources other than the fees collected pursuant to §30-29-4 of this code;

(14) Any responsibilities and duties as the Legislature may, from time to time, see fit to direct to the subcommittee;

(15) Establish standards and procedures for initial and ongoing training for law-enforcement officers responsible for investigating sexual assault cases involving adult victims. This training shall include instruction on:

(A) The neurobiology of trauma;

(B) Trauma-informed interviewing; and

(C) Investigative techniques;

(16) Submit, on or before September 30 of each year, to the Governor, the Speaker of the House of Delegates, the President of the Senate, and, upon request, to any individual member of the Legislature, a report on its activities during the previous year, and an accounting of funds paid into and disbursed from the special revenue account established pursuant to §30-29-4 of this code;

(17) Develop and promulgate rules for state, county, and municipal law-enforcement officers, law-enforcement agencies, and communications and emergency operations centers that dispatch law-enforcement officers with regard to the identification, investigation, reporting, and prosecution of suspected child abuse and neglect: *Provided*, That such rules and procedures must be consistent with the priority criteria prescribed by generally applicable department procedures; and

(18) Make recommendations to the Governor's Committee on Crime, Delinquency, and Correction for legislation related to the subcommittee's duties and responsibilities, or for research or studies by the Division of Administrative Services on topics related to the subcommittee's duties and responsibilities.

(19) Promulgate standards governing the training, firearms qualification, and initial and ongoing professional certification of a tactical medical professional, as defined in §30-43-1 of this code, on or before January 1, 2024. This training program shall include awarding a certificate upon successful completion of the program that qualifies the tactical medical professional to carry a firearm while on duty.

(b) In addition to the duties authorized and established by this section, the subcommittee may:

(1) Establish training to effectively investigate human trafficking offenses as defined in §61-2-1 *et seq.* of this code for entry-level training curricula and for law-enforcement officers who have not received such training as certified by the committee as required by this section; and

(2) Establish procedures for the implementation of a course in investigation of human trafficking offenses. The course may include methods of identifying and investigating human trafficking and methods for assisting trafficking victims. In order to implement and carry out the intent of this subdivision, the committee may promulgate emergency rules pursuant to §29A-3-15 of this code.

(c) Notwithstanding any provision of this code to the contrary, the subcommittee may deny an application for the establishment of a new law-enforcement training academy if it is determined by the subcommittee that no actual need exists for the establishment of additional law-enforcement training academies to meet the needs of existing law-enforcement agencies in the state.

ARTICLE 43. TACTICAL MEDICAL PROFESSIONALS.

§30-43-1. Definitions.

As used in this article:

(1) "Tactical medical professional" means a person who is an emergency medical service personnel, as defined in §16-4C-1 et seq. of this code, a nurse as defined in §30-7-1 et seq. of this code, a physician as defined in §30-3-4 or §30-14-1 et seq. of this code, or a physician assistant licensed pursuant to §30-3E-1 et seq. of this code, who is trained and certified in a nationally recognized tactical medical training program that is equivalent to Tactical Combat Casualty Care and Tactical Emergency Medical Support and who functions in the tactical or austere environment while attached to a law-enforcement agency of either this state or a political subdivision of this state.

30-43-2. Tactical medical professional may carry firearm.

(a) A tactical medical professional may carry firearms while on duty in the same manner, to the same extent, and in the same areas as a law-enforcement officer of the law-enforcement agency the professional is serving, if:

(1) The law-enforcement agency that the tactical medical professional is serving has specifically authorized the professional to carry firearms while on duty; and

(2) The tactical medical professional has been awarded a certificate by the Law Enforcement Professional Standards Subcommittee of the Governor's Committee on Crime, Delinquency and Correction as provided for in §30-29-3 of this code, which certificate attests to satisfactory completion of law-enforcement training program that qualifies the tactical medical professional to carry firearms while on duty.

§30-43-3. Tactical medical professional protection from civil or criminal liability.

A tactical medical professional to whom this article applies and who is carrying one or more firearms under authority of this article has protection from potential civil or criminal liability for any conduct occurring while carrying the firearm or firearms to the same extent as a law enforcement officer of the law-enforcement agency the tactical medical professional is serving has such protection.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 83, as amended by the House of Delegates, was then 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, 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: Azinger and Hamilton—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 83) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

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

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

Eng. Com. Sub. for House Bill 2596—A Bill to amend and reenact §18-5-16 of the Code of West Virginia, 1931, as amended, relating to open enrollment; clarifying the circumstances in which a county board shall permit the transfer of resident and nonresident students; amending provisions pertaining to the contents of county board of education policies for open enrollment; modifying the process for transfer application denials and appeals; and requiring county boards and the State Department of Education to report annually on the number of transfer approvals and denials made pursuant to open enrollment policies.

Referred to the Committee on Education.

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 2613—A Bill to amend and reenact §30-7-15 of the Code of West Virginia, 1931, as amended, relating to the administration of anesthetics.

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

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

Eng. Com. Sub. for House Bill 2870—A Bill to amend and reenact §24-2-11c of the Code of West Virginia, 1931, as amended, relating generally to siting certificates for certain electric generating facilities; correcting code cross references.

Referred to the Committee on Energy, Industry, and Mining.

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 3061—A Bill to amend and reenact §49-9-101, §49-9-102 and §49-9-107 of the Code of West Virginia, 1931, as amended; all relating to updating the authority of the Foster Care Ombudsman; expanding the authority of the Foster Care Ombudsman; prohibiting the ombudsman from being compelled to testify or provide information; requiring reporting; permitting the release of information in certain circumstances.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution 11—Higher Education Consortium for Emerging Energy Technologies.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution 13—Designating the second week of February as "Boy Scouts of America Week" in West Virginia.

Referred to the Committee on Outdoor Recreation.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 50, Requiring one-year residency within district or county to fill vacancy in Legislature.

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

Com. Sub. for Senate Bill 50 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-10-5 of the Code of West Virginia, 1931, as amended, relating to the filling of vacancies in the Legislature, providing that an individual must reside within the district he or she would represent for one year prior to appointment in order to be eligible to fill a vacancy in the Legislature.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 247, Making administrative appeals and judicial review of board action subject to provisions of Administrative Procedures Act.

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

Com. Sub. for Senate Bill 247 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §30-1-9 of the Code of West Virginia, 1931, as amended, relating to making administrative appeals and judicial review of board action subject to provisions of the Administrative Procedures Act.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

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 256, Relating to WV Economic Development Authority.

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

Com. Sub. for Senate Bill 256 (originating in the Committee on Economic Development)—A Bill to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Economic Development Authority; providing for legislative findings; creating a Small Business and Minority Populations Economic and Workforce Development Taskforce to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment, labor force participation, and economic development problems of small business and low income and minority populations of West Virginia; providing for makeup of taskforce; establishing duties of taskforce, including developing a model project to promote small business growth and to address employment and labor force participation challenges of low income and minority populations across West Virginia; providing for reimbursement of reasonable and necessary expenses incurred by taskforce members; establishing taskforce work groups; and providing for quarterly meetings.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Chandler Swope,
Chair.

At the request of Senator Swope, and by unanimous consent, the bill (Com. Sub. for S. B. 256) contained in the foregoing report from the Committee on Economic Development was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Senate Bills 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 491, and 408, Authorizing Board of Accountancy to promulgate legislative rule relating to board rules of professional conduct.

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

Com. Sub. for Senate Bill 361 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-9-1 et seq. of the Code of West Virginia, 1931, as amended, , relating generally to authorizing certain miscellaneous agencies and boards to promulgate legislative rules; authorizing the rules as filed and as modified Legislative Rule-Making Review Committee, and as amended by the Legislature; relating to authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules of professional conduct; relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to advertising by licensed acupuncturists; relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to standards of practice of acupuncture by licensed acupuncturists; relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to continuing education requirements; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to the West Virginia apiary rule; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to schedule of charges for inspection services: fruit; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to noxious weeds; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to Grade "A" pasteurized milk; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to inspection of nontraditional, domesticated animals; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to hemp products; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to livestock care standards; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to farm to food bank tax credit; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to farmers markets; relating to authorizing the Athletic Commission to promulgate a legislative rule relating to administrative rules; relating to authorizing the Athletic Commission to promulgate a legislative rule relating to regulation of mixed martial arts; relating to authorizing the State Auditor to promulgate a legislative rule relating to standards for voluntary payroll deductions; relating to authorizing the Conservation Agency to promulgate a legislative rule relating to operation of West Virginia State Conservation Committee and conservation districts; relating to authorizing the Conservation Agency to promulgate a legislative rule relating to conservation district accounting and auditing standards;

relating to authorizing the Board of Dentistry to promulgate a legislative rule relating to dental recovery networks; relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to funeral director, embalmer, apprentice, courtesy card holders and funeral establishment requirements; relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to crematory requirements; relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to a fee schedule; relating to authorizing the Board of Landscape Architects to promulgate a legislative rule relating to registration of landscape architects; relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensing of physicians and podiatric physicians and disciplinary procedures for applicants, licensees, credential holders; relating to authorizing the Board of Medicine to promulgate a legislative rule relating to relating to licensure, practice requirements, disciplinary and complaint procedures, continuing education, physician assistants; authorizing the Board of Medicine to promulgate a legislative rule relating to collaborative pharmacy practice; relating to authorizing the Board of Medicine to promulgate a legislative rule relating to prohibiting sexual misconduct by health care practitioners; relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Uniform Controlled Substance Act; to relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy rules for registration of pharmacy technicians; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacy permit; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to inspections; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Donated Drug Repository Program; relating to authorizing the Psychologists to promulgate a legislative rule relating to code of conduct; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to requirements for registration and licensure and conduct constituting professional misconduct; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to advanced practice registered nurse licensure requirements; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses in advanced practice; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to continuing education and competence; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to fees for services rendered by the board; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia Controlled Substance Monitoring Program database; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to telehealth practice; requirements; definitions; relating to authorizing the Secretary of State to promulgate a legislative rule relating to early voting in-person satellite precincts; relating to authorizing the Secretary of State to promulgate a legislative rule relating to the Combined Voter Registration and Driver Licensing Fund; relating to authorizing the Secretary of State to promulgate a legislative rule relating to administrative procedures for the Nonpublic Funding for Election Administration Fund; relating to authorizing the State Treasurer to promulgate a legislative rule relating to enforcement of the Uniform Unclaimed Property Act; relating to authorizing the State Treasurer to promulgate a legislative rule relating to the Hope Scholarship Program; and relating to authorizing the State Treasurer to promulgate a legislative rule relating to Jumpstart Savings Program.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,
Vice 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 449, Updating terms for Natural Resources Police Officers Retirement System and retirement systems for charter schools.

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,

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

Your Committee on Pensions has had under consideration

Senate Bill 451, Relating to Teachers Retirement System and Teachers' Defined Contribution Retirement System.

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

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

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 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 453, Ensuring retirement contributions and delinquency charges of charter school employees be paid upon school closure or by successor.

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 Pensions.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

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

Your Committee on Pensions has had under consideration

Senate Bill 475, Modifying examinations for disability pensions.

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

Com. Sub. for Senate Bill 475 (originating in the Committee on Pensions)—A Bill to amend and reenact §8-22-23a of the Code of West Virginia, 1931, as amended, relating to examinations for disability pensions; modifying examinations for disability pensions; and providing the oversight board discretion in the method of medical examinations of a member applying for disability benefits.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric Nelson, Jr.,
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 Grady:

Senate Bill 543—A Bill to amend and reenact §29A-3A-1, §29A-3A-2, §29A-3A-3, §29A-3A-4, §29A-3A-5, §29A-3A-6, §29A-3A-7, §29A-3A-8, §29A-3A-9, §29A-3A-10, §29A-3A-11, §29A-3A-11a, §29A-3A-12, §29A-3A-13, §29A-3A-14, §29A-3A-15, §29A-3A-16, §29A-3A-16a, §29A-3A-17, §29A-3A-18, and §29A-3A-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29A-3A-2a, all relating to authorizing rule-making power for higher education related to changing the terms used, procedure, and reporting duties for higher education rulemaking.

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

By Senator Queen:

Senate Bill 544—A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931 as amended, relating to increasing the power purchase agreement (PPA) cap from 500 kW to 1,000 kW.

Referred to the Committee on Government Organization.

By Senators Martin and Queen:

Senate Bill 545—A Bill to amend and reenact §5-10-20 of the Code of West Virginia, 1931, as amended, relating to authorizing sheriffs who are members of the public retirement system to retire upon attaining the age of 62 with eight or more years of service.

Referred to the Committee on Pensions.

By Senator Stuart:

Senate Bill 546—A Bill to amend and reenact §60A-2-204, §60A-2-206, §60A-2-210, and §60A-2-212 of the Code of West Virginia, 1931, as amended, all relating to controlled substances; adding the following to the schedule I substance list: N-Methylnorfentanyl(N-(1-Methyl-4-piperidinyl)-N-phenyl-propanamide, monohydrochloride); Norfentanyl (N-Phenyl-N-4-piperidinyl-propanamide); 3-Hydroxy-phencyclidine (other name hydroxy PCP); 7-hydroxymitragynine; Marijuana (Cannabis, sp.); Mitragynine; delta-8, tetrahydrocannabinol, and its optical isomers; delta-10 tetrahydrocannabinol, and its isomers; 2-(2(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine (butonitazene); 2-(2-(4ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine (ethodesnitazene); N,N-diethyl-2-(2(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (flunitazene); N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)-1-amine (metodesnitazene); N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (metonitazene); 2-(4-ethoxybenzyl)5-nitro-1-(2-(pyrrolidino-1-yl)ethyl)-1 H-benzimidazole (N-pyrrolidino etonitazene, etonitazepyne; N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine (protonitazene); -2-2FDU-PB-22 (1-Naphthyl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate); FUB-PB-22 (Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate); 5-Fluoro-MN-24 (1-(5-Fluoropentyl)-N-(naphthalen-1-yl)-1H-indole-3-carboxamide); MN-24 (N-(naphthalen-1-yl)-1-pentyl-1H-indole-3-carboxamide); SDB-005 (Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate); SDB-006 (1-Pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide); Methyl-Ethylaminopentiophenone; FUB-AMB (Methyl(1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate); 5-Fluoro-SDB-005 Indole (Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate); 5F-AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3- carboxamide); MMB-CHMICA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate); MN-24 (N-(naphthalen-1-yl)-1-pentyl-1H-indole-3-carboxamide); SDB-005 (Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate); SDB-006 (1-Pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide); Ethcathinone (2-(ethylamino)-1-phenyl-1-

propanone, monohydrochloride); Methyl-Ethylaminopentiophenone; FUB-AMB (Methyl(1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate); 5-Fluoro-SDB-005 Indole (Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate); 5F-AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide); MMB-CHMICA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate); Bromazolam (8-bromo-1-methyl-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Clonazolam (6-(2-chlorophenyl)-1-methyl-8-nitro-4 H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Cloniprazepam (5-(2-chlorophenyl)-1-(cyclopropylmethyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one); Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f] [1,2,4]triazolo[4,3-a][1,4]diazepine); Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flubromazepam (7-bromo-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one); Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flunitrazolam (6-(2-fluorophenyl)-1-methyl-8-nitro-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine); Nifoxipam (5-(2-fluorophenyl)-1,3-dihydro-3-hydroxy-7-nitro-2H-1,4-benzodiazepin-2-one); Nitrazolam (1-methyl-8-nitro-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Pyrazolam (8-bromo-1-methyl-6-(2-pyridinyl)-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); 4-CN-CUMYL-BUTINACA (1-(4-Cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide); Alpha-Phenylacetoacetonitrile (3-Oxo-2-phenylbutanenitrile); 2-Fluoro Deschloroketamine (2-(2-Fluorophenyl)-2-(methylamino)-cyclohexanone, monohydrochloride); 4-MEAP (2-(Ethylamino)-1-(4-methylphenyl)pentan-1-one); Bromazolam (8-bromo-1-methyl-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Clonazolam (6-(2-chlorophenyl)-1-methyl-8-nitro-4 H-[1,2,4]triazolo[4,3 a][1,4]benzodiazepine); Cloniprazepam (5-(2-chlorophenyl)-1-(cyclopropylmethyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one); Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f] [1,2,4]triazolo[4,3-a][1,4]diazepine); Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flubromazepam (7-bromo-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one); Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flunitrazolam (6-(2-fluorophenyl)-1-methyl-8-nitro-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine); Nifoxipam (5-(2-fluorophenyl)-1,3-dihydro-3-hydroxy-7-nitro-2H-1,4-benzodiazepin-2-one); Nitrazolam (1-methyl-8-nitro-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Pyrazolam (8-bromo-1-methyl-6-(2-pyridinyl)-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Declazepam (7-Chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2H-1,4-benzodiazepin-2-one); Deschloroetizolam (2-Ethyl-9-methyl-4-phenyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine); Ethcathinone (2-(ethylamino)-1-phenyl-1-propanone, monohydrochloride); Alpha-PHP (1-Phenyl-2-(pyrrolidin-1-yl)hexan-1-one); MPHP (1-(4-Methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one); PV8 (1-Phenyl-2-(pyrrolidin-1-yl)heptan-1-one); 4-Chloro-Alpha-PVP (1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one); N-Ethylhexedrone (2-(Ethylamino)-1-phenylhexan-1-one); Methoxetamine (2-(Ethylamino)-2-(3-methoxyphenyl)-cyclohexanone); 3-Fluorophenmetrazine (2-(3-Fluorophenyl)-3-methylmorpholine); adding the following to the schedule II list: Norfentanyl; Oliceridine; adding the following to the schedule IV list: Lemborexant; Remimazolam; Serdexmethylphenidate; removing Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid] from the schedule V list, and adding Epidiolex (contains cannabidiol (CBD), Cenobamate and Lasmidtan to the schedule V list.

Referred to the Committee on the Judiciary.

By Senators Deeds, Azinger, Chapman, Hunt, Karnes, Oliverio, Queen, Roberts, Stuart, Taylor, and Woodrum:

Senate Bill 547—A Bill to amend and reenact §60A-4-401, §60A-4-409, §60A-4-414, and §60A-4-416 of the Code of West Virginia, 1931, as amended, all relating to increasing the

penalties for drug possession and updating the list of offenses; and addressing certain deficiencies within the existing statute.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 548—A Bill to amend and reenact §11A-1-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11A-3-2, §11A-3-13, §11A-3-38, §11A-3-45, §11A-3-46, §11A-3-47, §11A-3-48, and §11A-3-56 of said code, all relating to real property taxes; modifying who is entitled to pay certain taxes on real estate; modifying certain public notices regarding the certification of real estate to the West Virginia Auditor; modifying who is entitled to redeem real estate that is subject to delinquent taxes; providing eligibility requirements to bid on tax liens at certain auctions conducted by the West Virginia Auditor; specifying that participation in certain auctions constitutes transacting business in West Virginia; providing for certain rule-making authority, including emergency rulemaking; modifying certain public notices regarding certain auctions conducted by the West Virginia Auditor; and providing for the incurrence of certain expenses related to title examinations by the West Virginia Auditor and the collection for reimbursement for the same.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 549—A Bill to amend and reenact §46-1-201, §46-1-204, §46-1-301, and §46-1-306 of the Code of West Virginia, 1931 as amended; to amend and reenact §46-2-102, §46-2-106, §46-2-201, §46-2-202, §46-2-203, §46-2-205, and §46-2-209 of said code; to amend and reenact §46-2A-102, §46-2A-103, §46-2A-107, §46-2A-201, §46-2A-202, §46-2A-203, §46-2A-205, and §46-2A-208 of said code; to amend and reenact §46-3-104, §46-3-105, §46-3-401, and §46-3-604 of said code; to amend and reenact §46-4A-103, §46-4A-201, §46-4A-202, §46-4A-203, §46-4A-207, §46-4A-208, §46-4A-210, §46-4A-211, and §46-4A-305 of said code; to amend and reenact §46-5-104 and §46-5-116 of said code; to amend and reenact §46-7-102 and §46-7-106 of said code; to amend and reenact §46-8-110 and §46-8-303 of said code; to amend and reenact §46-9-102, §46-9-104, §46-9-105, §46-9-203, §46-9-204, §46-9-207, §46-9-208, §46-9-209, §46-9-210, §46-9-301, §46-9-304, §46-9-305, §46-9-310, §46-9-312, §46-9-313, §46-9-314, §46-9-316, §46-9-317, §46-9-323, §46-9-324, §46-9-330, §46-9-331, §46-9-332, §46-9-334, §46-9-341, §46-9-404, §46-9-406, §46-9-408, §46-9-509, §46-9-513, §46-9-601, §46-9-605, §46-9-608, §46-9-611, §46-9-613, §46-9-614, §46-9-615, §46-9-616, §46-9-619, §46-9-620, §46-9-621, §46-9-624, §46-9-628; to amend said code by adding thereto 7 new sections, designated §46-9-105A, §46-9-107A, §46-9-107B, §46-9-306A, §46-9-306B, §46-9-314A, and §46-9-326A; to amend said code by adding a new article, designated §46-12-101, §46-12-102, §46-12-103, §46-12-104, §46-12-105, §46-12-106, §46-12-107; and to amend said code by adding a new article, designated §46-12A-101, §46-12A-102, §46-12A-201, §46-12A-301, §46-12A-302, §46-12A-303, §46-12A-304, §46-12A-305, §46-12A-306, §46-12A-401, all relating to amending the Uniform Commercial Code; defining terms; clarifying article applies to transactions in goods and setting forth the extent to which it applies in a hybrid transaction; amending requirements for statute of frauds by requiring a record sufficient to indicate the contract has been made rather than a writing; amending requirement for parole or extrinsic evidence by replacing the requirement that the parties agree in writing and substituting a requirement that the parties agree in a record; amending the requirement for seals by requiring that the seal be affixed to a record; amending the requirement for firm offers in that the offer must be in a record rather than a writing; amending the requirement for modification, rescission and waiver; amending the scope of leases to incorporate a hybrid lease; amending signature requirements; adding requirement stating that an obligation

of a party is not discharged solely by destruction of the check in connection with a process in which information is extracted from the check and an image of the check is made; amending security procedures to add an obligation on the receiving bank or the customer to require symbols, sounds, or biometrics, or requiring a payment or to be sent from a known email address, IP address, or telephone number; clarifying choice of law provisions; clarifying when a person has control of an electronic document of title; setting forth requirements for control of electronic copy of record evidencing chattel paper; setting forth requirements for control of electronic money; setting forth additional duties of security party having control of collateral; setting forth law governing perfection and priority of security interests in chattel paper; amending the perfection of security interests to include controllable accounts, controllable electronic records, and controllable payment intangibles; setting forth that a security interest in electronic money may be perfected only by control; providing a description of perfection by possession and control and time of perfection; stating terms restricting assignment, legal restrictions on assignment are generally ineffective and law relating to the inapplicability of the assignment of health care insurance do not apply to a security interest in an ownership interest in a general partnership, limited partnership, or a limited liability company; stating that no duty is owed by a secured party but providing exceptions to this general rule; providing new form for the disposition of collateral; providing exceptions to limitations of liability; setting forth conflicts in relation to certain articles of code and consumer laws; setting forth rights in controllable accounts, controllable electronic record, and controllable payment intangible; setting forth what constitutes control of controllable electronic record; setting forth discharge of account debtor on controllable account or controllable payment intangible; setting forth governing law; providing for transitional provisions; providing for adjustment date; providing for saving clause; and providing for effective date.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 550—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, §7-28-2, §7-28-3, §7-28-4, §7-28-5, §7-28-6, §7-28-7, §7-28-8, §7-28-9, §7-28-10, §7-28-11, and §7-28-12, all relating to requiring state entities, local entities and law enforcement agencies to cooperate with the enforcement of immigration laws; providing for definitions; requiring that entities and agencies not prohibit the enforcement of immigration laws or cooperation with other governmental agencies to enforce immigration laws; providing for complaint procedures; providing for mandatory duties regarding immigration detainers; providing for actions to ensure compliance; providing for ineligibility for state funds; providing for rule-making authority for the State Auditor; providing for mandatory agreements; providing for the Attorney General to defend good-faith compliance under certain circumstances; providing for a civil cause of action for damages; providing for a duty to report and whistle-blower protections; providing for implementation; providing for prohibiting discrimination; and providing for severability.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 551—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §9-3-7; and to amend and reenact §16-9G-1 of said code, all relating to a Medicaid state plan amendment; providing that the Bureau of Medical Services shall seek a state plan amendment; providing that the state plan amendment provide for cost sharing and/or premiums for certain populations; allowing that the state plan amendment may provide for a demonstration project; and providing for an effective date.

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

By Senator Rucker:

Senate Bill 552—A Bill to amend and reenact §16-2I-1, §16-2I-2, §16-2I-3, and §16-2I-4 of the Code of West Virginia, 1931, as amended; to repeal §16-2I-5 of said code; and to amend and reenact §16-2I-6, §16-2I-7, §16-2I-8, and §16-2I-9 of said code, all relating to abortion; defining terms; amending information provided during informed consent; removing liability protection for a physician when prescribing a non-Food and Drug Administration approved drug therapy; providing resource to contact if questions rise regarding chemical abortion; requiring the Secretary of the Department of Health and Human Resources to have a 24-hour telephone number to maximize awareness; revising information to be made available; requiring the Bureau of Public Health to publish information on its website; setting forth the required information; and providing for administrative discipline against a licensed medical professional for violation of article.

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

By Senator Chapman:

Senate Joint Resolution 10—Proposing an amendment to the Constitution of the State of West Virginia , repealing Amendment 3 – the Good Roads Amendment of 1920, repealing Amendment 4 – The Good Roads Amendment of 1928, repealing Amendment 5 – Fifty Million Dollar Bond Issue for Roads Amendment, repealing Amendment 8 – Better Roads Amendment, repealing Amendment 9 – Roads Development Amendment, repealing Amendment 11 – Better Highways Amendment, repealing Amendment 16 – Safe Roads Amendment of 1996, repealing Amendment 18 – Roads to Prosperity Amendment of 2017, and amending the Amendments portion of the Constitution of the State of West Virginia by adding thereto a new amendment, designated Amendment 19, relating to returning control of roads in West Virginia from the state to counties; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senator Grady offered the following resolution:

Senate Resolution 23—Designating February 3, 2023, as West Virginia Homeschool Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 356, Authorizing DOT 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, 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: Azinger and Hamilton—2.

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. 356) passed.

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

Eng. Com. Sub. for Senate Bill 356—A Bill to amend and reenact §64-8-1 *et seq.* of the Code of West Virginia, 1931, as amended; and to amend and reenact §64-12-5 of said code, 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; and authorizing the Department of Transportation, State Rail Authority to repeal a legislative rule relating to organization and meetings.

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, 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: Azinger and Hamilton—2.

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. 356) takes effect from passage.

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 205, Relating to registration plates.

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

Senate Bill 224, Establishing revocation of authority for spending by agency in support of challenge to WV law.

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 referred to the Committee on Rules.

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

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 294, Clarifying amount of deputy sheriff annual salary increase.

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 345, Authorizing Department of Revenue to promulgate legislative rules.

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

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

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 461, Relating to WV public employees grievance procedure.

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

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

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

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

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

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

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

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

On second reading, coming up in regular order, was read a second time and 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 232, Creating study group to make recommendations regarding diversion of persons with disabilities from criminal justice system.

Senate Bill 296, Uniform Public Meetings During Emergencies Act.

Com. Sub. for Senate Bill 463, Increasing validity of CDL instruction permit.

And,

Eng. House Bill 2835, Repeal outdated provisions of code relating to the West Virginia graduate college and Marshall University.

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

The Senate then proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on February 1, 2023:

Senate Bill 468: Senator Caputo;

And,

Senate Bill 540: Senator Chapman.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills on February 1, 2023:

Senate Bill 199: Senator Barrett;

Senate Bill 256: Senator Hunt;

Senate Bill 287: Senator Woelfel;

Senate Bill 449: Senators Oliverio and Hunt;

Senate Bill 450: Senator Hunt;

Senate Bill 451: Senator Hunt;

Senate Bill 452: Senator Hunt;

Senate Bill 453: Senator Hunt;

Senate Bill 469: Senator Phillips;

Senate Bill 532: Senators Trump and Martin;

Senate Bill 536: Senators Deeds and Hamilton;

Senate Bill 541: Senators Chapman and Smith;

And,

Senate Bill 542: Senator Deeds.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:27 a.m., the Senate adjourned until tomorrow, Friday, February 3, 2023, at 9 a.m.

SENATE CALENDAR

**Friday, February 03, 2023
9:00 AM**

UNFINISHED BUSINESS

S. R. 23 - Designating February 3, 2023, as WV Homeschool Day at Legislature

THIRD READING

Eng. Com. Sub. for S. B. 205 - Relating to registration plates (original similar to HB2565)

Eng. 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)

Eng. Com. Sub. for S. B. 294 - Clarifying amount of deputy sheriff annual salary increase

Eng. Com. Sub. for S. B. 345 - Authorizing Department of Revenue to promulgate legislative rules

Eng. S. B. 457 - Removing certain activities Alcohol Beverage Control Commission licensee is prohibited to permit on private club premises

Eng. Com. Sub. for S. B. 461 - Relating to WV public employees grievance procedure

Eng. Com. Sub. for S. B. 472 - Creating criminal offense of indecent exposure in front of minors
- (With right to amend)

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)

SECOND READING

Com. Sub. for S. B. 232 - Creating study group to make recommendations regarding diversion of persons with disabilities from criminal justice system

S. B. 296 - Uniform Public Meetings During Emergencies Act - (Com. amends. pending)
(original similar to HB3146)

Com. Sub. for S. B. 463 - Increasing validity of CDL instruction permit (original similar to HB3032)

Eng. H. B. 2835 - Repeal outdated provisions of code relating to the West Virginia graduate college and Marshall University (original similar to SB445)

FIRST READING

- Com. Sub. for S. B. 50 - Requiring one-year residency within district or county to fill vacancy in Legislature
- Com. Sub. for S. B. 247 - Making administrative appeals and judicial review of board action subject to provisions of Administrative Procedures Act.
- Com. Sub. for S. B. 361 - Authorizing miscellaneous boards and agencies to promulgate legislative rules
- S. B. 449 - Updating terms for Natural Resources Police Officers Retirement System and retirement systems for charter schools (original similar to HB3235)
- Com. Sub. for S. B. 451 - Relating to Teachers Retirement System and Teachers' Defined Contribution Retirement System (original similar to HB3236)
- Com. Sub. for S. B. 475 - Modifying examinations for disability pensions (original similar to HB3243)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2023

Friday, February 3, 2023

10 a.m.	Workforce	(Room 208W)
11:30 a.m.	Finance	(Room 451M)