

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Tuesday, February 7, 2023

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Jim Ellis, Calvary Church of the Nazarene, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert H. Plymale, a senator from the fifth district.

Pending the reading of the Journal of Monday, February 6, 2023,

At the request of Senator Trump, 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 concurrence by that body in the Senate amendment to, and the passage as amended, of

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

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

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

Eng. House Bill 3141—A Bill to amend and reenact §30-4-3 and §30-4-8a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-4-25; all relating to the practice of dentistry; providing for updated definitions; modifying the requirements of dental specialists; and specifying duties during declared public health emergencies.

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

Executive Communications

The Clerk then presented the following communication from His Excellency, the Governor, regarding bills approved by him:



Jim Justice
Governor of West Virginia

February 6, 2023

The Honorable Lee Cassis, Clerk
West Virginia Senate
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Senate Bill No. One Hundred Thirty-Two (132), which was presented to me on February 3, 2023.

Senate Bill No. One Hundred Forty-Three (143), which was presented to me on February 1, 2023.

Senate Bill No. Two Hundred Thirty-One (231), which was presented to me on February 1, 2023.

You will note that I have approved these bills on February 6, 2023.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

The Senate 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 199, Relating to purchase of commodities and services from nonprofit workshops.

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

Com. Sub. for Senate Bill 199 (originating in the Committee on Government Organization)—
A Bill to amend and reenact §5A-1-1 of the West Virginia Code, 1931, as amended; to amend and reenact §5A-3-10 of said code; and to amend and reenact §5A-3A-2, §5A-3A-3, §5A-3A-4, and §5A-3A-6 of said code, all relating to requiring purchases of certain commodities and services from state use program partners; revising definitions; updating terms; requiring director to purchase certain commodities and services from state use program partners; providing that determination that commodities and services purchased from state use program partners are of fair market value and quality comparable to commodities and services otherwise available is to be made by Committee on the Purchase of Commodities and Services from the Disabled; revising qualifications for chair of committee; and clarifying date for annual report of committee.

With the recommendation that the committee substitute do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Woodrum, unanimous consent being granted, the bill (Com. Sub. for S. B. 199) contained in the foregoing report from the Committee on Government Organization was then referred to the Committee on Finance.

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

Your Committee on Education has had under consideration

Senate Bill 204, Increasing salary for teachers with less than eight years of experience.

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 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 234, Clarifying uniform statewide deadline for electronically submitted voter registration applications.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

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

Com. Sub. for Senate Bill 250 (originating in the Committee on Transportation and Infrastructure), Requiring level one permit holders to display student driver on rear of vehicle.

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

Rev. 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 certain drivers in the graduated driver's license program to display a student driver sign; specifying sign requirement; authorizing Division of Motor Vehicles to distribute and provide information on signs; making violators subject to penalties; and providing for limited court-related cost and fee exemption.

With the recommendation that the revised committee substitute do pass.

Respectfully submitted,

Charles H. Clements,
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 302, Relating to Law Enforcement Safety Act.

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

Com. Sub. for Senate Bill 302 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, relating to the creation of the Law Enforcement Safety Act; and requiring

West Virginia law-enforcement agencies to index felony warrants with the National Crime Information Center (NCIC).

With the recommendation that the committee substitute 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 484, Clarifying terms and offense of human smuggling.

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

Com. Sub. for Senate Bill 484 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended; and by adding thereto a new section designated §61-10-35, relating to creating the criminal offense of human smuggling; defining terms; clarifying that each person smuggled constitutes a separate offense; acknowledging prohibition against police action based on race or ethnic origin; and establishing criminal penalties.

Senate Bill 490, Patrol Officer Cassie Marie Johnson Memorial Act.

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

Com. Sub. for Senate Bill 490 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new section, designated §61-5-17a, relating to creating the offense of knowingly and willfully obstructing a law enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel engaged in their official duties and thereby proximately causing the death of a person acting in his or her official capacity; and establishing the penalty therefor as life in prison with parole eligibility after service of 15 years.

And,

Senate Bill 515, Clarifying deadline to file annual report for companies authorized to do business in WV.

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

Com. Sub. for Senate Bill 515 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to clarifying the deadline to file an annual report for corporations, limited partnerships, domestic limited liability partnerships, and foreign limited liability companies; permitting assessment of bad check fee for providing invalid account number; authorizing Secretary of State to waive new

business registration fees at certain events; requiring disclaimers and disclosures on third party, nongovernment solicitations of services for filing business annual reports with the Secretary of State; and creating criminal and civil penalties for failure to comply with disclaimers and disclosure requirements.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Agriculture and Natural Resources has had under consideration

Senate Bill 485, PFAS Protection Act.

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

Com. Sub. for Senate Bill 485 (originating in the Committee on Agriculture and Natural Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding four new sections, designated §22-11C-1, §22-11C-2, §22-11C-3, and §22-11C-4, all relating to identifying and abating health risks of perfluoroalkyl and polyfluoroalkyl substances discharged into source waters used for public drinking water; providing legislative findings; providing definitions; requiring the Department of Environmental Protection to write PFAS action plans to identify and address sources of PFAS for certain public water systems; requiring facilities using certain PFAS chemicals to monitor and report their use; setting forth other duties of those facilities; requiring the Secretary of the Department of Environmental Protection to propose updates to the numeric Public Water Supply human health criteria; and directing Department of Environmental Protection to recommend any needed changes to statutes or rules; requiring annual report to Joint Legislative Oversight Commission on State Water Resources; setting forth other duties of the Department of Environmental Protection; requiring modification of certain NPDES permits; and requiring Department of Environmental Protection to propose adopting water quality criteria at next legislative rule-making cycle to effectuate the provisions herein.

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,

Bill Hamilton,
Chair.

The bill (Com. Sub. for S. B. 485), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Military has had under consideration

Senate Bill 493, Exempting WV veterans from certain fees and charges at state parks.

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

Respectfully submitted,

Ryan W. Weld,
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 519, School Personnel Whistle-Blower Law.

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

Com. Sub. for Senate Bill 519 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18A-8-1, §18A-8-2, §18A-8-3, §18A-8-4, §18A-8-5, §18A-8-6, §18A-8-7, and §18A-8-8, all relating to the creation of the School Personnel Whistle-Blower Law; providing for a short title; providing for definitions; prohibiting an employer from discharging, threatening, harassing, discriminating, or retaliating against an employee in certain ways and for certain reasons; prohibiting because of status or actions as a whistle-blower denial of a promotion or other increase in compensation that would otherwise have been received; allowing a civil action to be brought by a person who alleges that he or she is a victim of a violation of the School Personnel Whistle-Blower Law; providing for a limitation on actions; setting forth a burden of proof; providing for a defense; allowing pursuit of grievance by certain employees; providing that nothing in School Personnel Whistle-Blower Law impairs or limits any other right or legal action of an employee; providing redress for a whistle-blower; setting forth a civil penalty; allowing removal from public office, discipline, and/or termination from employment, as applicable, in certain instances; setting forth limitations on scope of construction; clarifying protections related to political activity and membership in organization of employee; and requiring notice to keep employees informed of protections and obligations set forth in the School Personnel Whistle-Blower Law.

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

Respectfully submitted,

Amy N. Grady,
Chair.

The bill (Com. Sub. for S. B. 519), under the original double committee reference, was then referred to the Committee on the Judiciary.

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 529, Allowing businesses to register as limited liability limited partnerships.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 532, Creating new crime of soliciting minor.

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

Com. Sub. for Senate Bill 532 (originating in the Committee on the Judiciary)—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 for purposes of sexual activity; establishing the essential element that the minor be at least four years younger than the perpetrator; providing for enhanced penalties for second and subsequent offenses; requiring registration as a sex offender for those convicted of the offense; requiring designation of persons convicted of the offense to be an abusive parent where factually appropriate; and establishing criminal penalties.

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

Respectfully submitted,

Charles S. Trump IV,
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 the Judiciary.

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

Your Committee on Agriculture and Natural Resources has had under consideration

Senate Bill 533, Relating to limitations on motor vehicle used by nonprofit cooperative recycling associations.

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

Respectfully submitted,

Bill Hamilton,
Chair.

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

Eng. House Bill 2310, Provide the Division of Motor Vehicles authority to develop an "Antique Fleet" program so that multiple antique motor vehicles may utilize a single registration plate.

And has amended same.

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

Respectfully submitted,

Charles H. Clements,
Chair.

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

Eng. House Bill 2531, Requiring cooperation between the rail company and the Division of Highways when construction or maintenance activities are conducted by the company.

And has amended same.

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

Respectfully submitted,

Charles H. Clements,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Transportation and Infrastructure pending.

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

Your Committee on Education has had under consideration

Eng. House Bill 2602, Reestablishing certain specialized school service personnel classifications.

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

Respectfully submitted,

Amy N. Grady,
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 Weld:

Senate Bill 575—A Bill expiring funds to the balance of the unappropriated surplus balance in the State Fund, General Revenue, in the amount of \$2,447.07 from the balance of moneys remaining in the Stripper Well NDL 378 Fund, fund 1218, the Enforcement of Guardianship and Conservatorship, fund 1228, and the Technology Support and Acquisition Fund, fund 1233.

Referred to the Committee on Finance.

By Senator Weld:

Senate Bill 576—A Bill to amend and reenact §32-4-406 and §32-4-407a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §32-7-701, §32-7-702, §32-7-703, §32-7-704, §32-7-705, §32-7-706, §32-7-707, §32-7-708, §32-7-709, §32-7-710, §32-7-711, and §32-7-712, all relating generally to authorizing victim restitution and creating a restitution assistance fund for victims of securities violations; providing a short title; providing definitions; creating the Securities Restitution Operating Fund; providing for the manner and procedures for applications for restitution assistance; providing the manner and procedures for the payment of restitution assistance awards; detailing the situations in which restitution is prohibited; providing for subrogation; providing for a lien on recovery and refunds of excessive restitution amounts; providing for the suspension of claims; exempting the restitution awards from attachment or intercept; authorizing the Auditor to promulgate rules regarding the restitution program; providing an effective date; permitting the Auditor to transfer three percent of securities fees collected to the Securities Restitution Operating Fund; and authorizing the awarding of restitution in an administrative assessment.

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

By Senator Maroney:

Senate Bill 577—A Bill to amend and reenact §33-59-1 of the Code of West Virginia, 1931, as amended, relating to diabetes; reducing copayments; adding coverage for devices; and permitting testing equipment to be purchased without a prescription.

Referred to the Committee on Health and Human Resources.

By Senator Grady:

Senate Bill 578—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, §18B-21-4, and §18B-21-5, all relating to creating the Hunger-Free Campus Act; providing for a short title; establishing the act and providing for a legislative purpose; authorizing the Higher Education Policy Commission to implement program; providing qualifications for campuses to be designated as Hunger-Free

zones; allowing for grant funding of Hunger-Free zones; providing for reporting on the impact of any grants; and providing for an effective date.

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

By Senator Tarr:

Senate Bill 579—A Bill recognizing and declaring certain claims against agencies of the state to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

Referred to the Committee on Finance.

By Senator Weld:

Senate Bill 580—A Bill to amend and reenact §11-8-16 and §11-8-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §13-1-7 of said code, all relating to authorizing a special election for presenting the question of a special levy renewal for levies expiring prior to July 1, 2024; and authorizing the resubmission of questions to the voters at a regularly scheduled primary or general election for certain levy questions rejected at a prior election.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senator Hamilton:

Senate Bill 581—A Bill to amend and reenact §11-1A-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-1-4 of said code; to amend and reenact §19-2-5 of said code; to amend and reenact §19-2C-1, §19-2C-6a, and §19-2C-10 of said code; to amend and reenact §19-12-2 of said code; to amend and reenact §19-12D-3, §19-12D-4, and §19-12D-5 of said code; and to amend and reenact §19-36-2 of said code, all relating generally to the 2023 Farm Bill; including definition of terms; transfer of land owned by the Department of Agriculture; membership and compensation of the board of review; and promulgation of rules.

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

Senator Woodrum offered the following resolution:

Senate Concurrent Resolution 8—Requesting the Division of Highways name bridge number 10-041/00-000.29 (10A065), (37.85603, -81.06700), locally known as Strecherneck Bridge, carrying WV 41 over the CSX Railroad in Fayette County, the "U. S. Army PV2 Harold Richard Plumley Memorial Bridge".

Which, under the rules, lies over one day.

Senator Maynard offered the following resolution:

Senate Concurrent Resolution 9—Declaring the Guyandotte River Crayfish (*Cambarus veteranus*) the official crustacean for the State of West Virginia.

Which, under the rules, lies over one day.

Senator Woodrum offered the following resolution:

Senate Resolution 26—Commemorating and honoring the life, military service, and the ultimate sacrifice of U.S. Army SGT Brian Christopher Karim.

Which, under the rules, lies over one day.

Senators Nelson, Barrett, Hunt, Jeffries, Phillips, and Stuart offered the following resolution:

Senate Resolution 27—Designating February 8, 2023, as Crime Victims Day at the Legislature.

Which, under the rules, lies over one day.

Senator Rucker offered the following resolution:

Senate Resolution 28—Recognizing the essential role Court Appointed Special Advocates play in providing a voice to the abused and neglected children of West Virginia.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 7, Amending Joint Rules of Senate and House of Delegates.

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

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

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

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

That the joint rules of the Senate and House of Delegates be amended by adding thereto a new rule 31, to read as follows:

Concurrent Resolutions Naming Transportation Infrastructure

31. Concurrent resolutions requesting the naming of transportation infrastructure shall be limited to the naming of bridges and roads.

No later than the fifteenth day of December immediately preceding the convening of the Legislature in regular session, legislators shall submit all applications to name transportation infrastructure to Legislative Services and the Division of Highways. No later than the fifteenth day of January, the Division of Highways shall provide infrastructure availability and location information to Legislative Services for all timely submitted applications. Legislative Services shall then draft a concurrent resolution for each timely submitted application. All such concurrent resolutions requesting the naming of transportation infrastructure shall be introduced by the twenty-fifth day and shall not be considered after the fiftieth day.

No concurrent resolution requesting the naming of transportation infrastructure that does not follow these procedures shall be introduced.

The question now being on the adoption of the resolution (S. C. R. 7), as amended, the same was put and prevailed.

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

Senate Resolution 25, Designating February 7, 2023, as Sexual Assault Awareness Day at Legislature.

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

At the request of Senator Weld, 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 50, Requiring one-year residency within district or county to fill vacancy in Legislature.

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, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Azinger and Stover—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. 50) 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 247, Making administrative appeals and judicial review of board action subject to provisions of Administrative Procedures 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, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Azinger and Stover—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. 247) 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 296, Uniform Public Meetings During Emergencies 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, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Stover, and Weld—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 296) 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 361, Authorizing miscellaneous boards and agencies 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, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Stover, and Weld—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. 361) 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, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Stover, and Weld—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. 361) takes effect from passage.

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

On third reading, coming up in regular order, with the right having been granted on February 2, 2023, for amendments to be received on third reading, 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, with the right to amend on third reading remaining in effect.

Eng. Com. Sub. for Senate Bill 475, Modifying examinations for disability pensions.

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, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Stover, and Weld—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. 475) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 295, Extending time that prescription for spectacles remains valid.

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 2, section 1, line 23, by striking out the words "an eye care provider" and inserting in lieu thereof the words "a licensee";

On page 3, section 1, line 60, by striking out the words "not less than";

And,

On page 3, section 1, line 60, by striking out the word "three" and inserting in lieu thereof the word "five".

The bill (Com. Sub. for S. B. 295), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 299, Relating to crime of trespass generally.

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 300, Relating to law-enforcement training and certification.

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

Com. Sub. for Com. Sub. for Senate Bill 419, Establishing standards for licensure of military trained applicants.

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

Senate Bill 449, Updating terms for Natural Resources Police Officers Retirement System and retirement systems for charter schools.

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 450, Defining medical examination for disability purposes in retirement plans administered by Consolidated Public Retirement Board.

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

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

Senate Bill 465, Increasing limit on moneys placed in county's rainy day fund.

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

Senate Bill 489, Requiring BOE provide free feminine hygiene products in certain grades.

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 514, Clarifying procedure for administrative dissolution of corporations by Secretary of State.

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

Eng. House Bill 2800, All relating to authorizing legislative rules regarding higher education.

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

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

On page 13, section 3, lines 109 and 110, by striking out all of subsection (ee) and inserting in lieu thereof a new subsection (ee), to read as follows:

(ee) The legislative rule filed in the State Register on July 21, 2022 (Annual Reauthorization of Degree-Granting Institutions) is authorized, with the following amendment:

On page 13 by adding a new subsection designated 12.23 to read as follows: Nothing in this rule in any way affects or limits the due process protections or other protections afforded to proprietary schools under either W. Va. Code § 18B-2B-9 or 135 C.S.R. 35, *Business, Occupational, and Trade Schools*.

The bill (Eng. H. B. 2800), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 216, Requiring all schools to instruct students on Holocaust, other genocides and financial literacy.

And,

Com. Sub. for Senate Bill 495, Providing correctional institutions and juvenile facilities video and audio records be confidential.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Hamilton, unanimous consent being granted, it was ordered that the Journal show had Senator Hamilton been present in the chamber on Monday, January 30, 2023, he would have voted "yea" on the passage of Engrossed Committee Substitute for Senate Bill 51, Engrossed Committee Substitute for Senate Bill 239, Engrossed Senate Bill 241, Engrossed Committee Substitute for Senate Bill 243, Engrossed Committee Substitute for Senate Bill 248, Engrossed Senate Bill 251, Engrossed Committee Substitute for Senate Bill 258, Engrossed Committee Substitute for Senate Bill 270, Engrossed Committee Substitute for Senate Bill 271, Engrossed Committee Substitute for Senate Bill 282, Engrossed Senate Bill 283, and Engrossed Committee Substitute for Senate Bill 439; on Tuesday, January 31, 2023, he would have voted "yea" on the passage of Engrossed Committee Substitute for Senate Bill 160, Engrossed Committee Substitute for Senate Bill 166, Engrossed Committee Substitute for Senate Bill 222, Engrossed Committee Substitute for Senate Bill 249, Engrossed Senate Bill 306, Engrossed Committee Substitute for Senate Bill 335, Engrossed Senate Bill 428, Engrossed Senate Bill 443,

Engrossed Senate Bill 444, and Engrossed Senate Bill 446; on Wednesday, February 1, 2023, he would have voted "yea" on the passage of Engrossed Committee Substitute for Senate Bill 188, Engrossed Senate Bill 240, Engrossed Committee Substitute for Senate Bill 426, Engrossed Committee Substitute for House Bill 2018, and Engrossed House Bill 2029; on Thursday, February 2, 2023, he would have voted "yea" on the passage of Engrossed Committee Substitute for Senate Bill 356; and on Friday, February 3, 2023, he would have voted "yea" on the passage of Engrossed Committee Substitute for Senate Bill 205, Engrossed Senate Bill 275, Engrossed Committee Substitute for Senate Bill 294, Engrossed Committee Substitute for Senate Bill 345, Engrossed Senate Bill 457, Engrossed Committee Substitute for Senate Bill 461, Engrossed House Bill 2564, Engrossed House Bill 2776, and Engrossed House Bill 2777.

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 February 6, 2023:

Senate Bill 495: Senator Caputo.

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 February 6, 2023:

Senate Bill 11: Senator Taylor;

Senate Bill 32: Senator Maynard;

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

Senate Bill 68: Senator Maynard;

Senate Bill 72: Senator Caputo;

Senate Bill 93: Senator Maynard;

Senate Bill 103: Senator Maynard;

Senate Bill 104: Senator Maynard;

Senate Bill 112: Senator Maynard;

Senate Bill 120: Senator Jeffries;

Senate Bill 123: Senator Oliverio;

Senate Bill 182: Senator Maynard;

Senate Bill 183: Senator Maynard;

Senate Bill 184: Senator Maynard;

Senate Bill 193: Senator Maynard;

Senate Bill 210: Senator Maynard;

Senate Bill 219: Senator Maynard;

Senate Bill 225: Senator Maynard;
Senate Bill 227: Senator Maynard;
Senate Bill 230: Senator Maynard;
Com. Sub. for Senate Bill 242: Senator Maynard;
Senate Bill 252: Senator Maynard;
Senate Bill 268: Senator Plymale;
Senate Bill 277: Senator Maynard;
Senate Bill 304: Senator Maynard;
Senate Bill 447: Senator Caputo;
Senate Bill 466: Senator Maynard;
Senate Bill 470: Senator Maynard;
Senate Bill 473: Senator Maynard;
Senate Bill 490: Senator Taylor;
Senate Bill 493: Senator Caputo;
Senate Bill 513: Senator Plymale;
Senate Bill 515: Senator Trump;
Senate Bill 527: Senator Hamilton;
Senate Bill 529: Senator Trump;
Senate Bill 541: Senator Oliverio;
Senate Bill 552: Senator Smith;
Senate Bill 561: Senator Woelfel;
Senate Bill 563: Senators Hamilton, Rucker, Deeds, and Phillips;
Senate Bill 564: Senator Phillips;
Senate Bill 565: Senators Swope, Grady, and Plymale;
Senate Bill 566: Senators Rucker, Caputo, and Woelfel;
Senate Bill 569: Senators Plymale and Woelfel;

Senate Bill 570: Senators Hamilton and Deeds;

Senate Bill 571: Senator Woelfel;

Senate Bill 574: Senator Phillips;

Senate Joint Resolution 1: Senator Smith;

Senate Joint Resolution 3: Senator Smith;

Senate Joint Resolution 4: Senator Smith;

Senate Concurrent Resolution 7: Senator Plymale;

Senate Resolution 24: Senator Stuart;

And,

Senate Resolution 25: Senators Hamilton, Rucker, Stuart, Deeds, Swope, Caputo, Plymale, and Oliverio.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:43 a.m., the Senate adjourned until tomorrow, Wednesday, February 8, 2023, at 11 a.m.

SENATE CALENDAR

**Wednesday, February 08, 2023
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 8 - US Army PV 2 Harold Richard Plumley Memorial Bridge
- S. C. R. 9 - Declaring Guyandotte River crayfish official crustacean for State of WV
- S. R. 26 - Commemorating and honoring life, military service, and ultimate sacrifice of US Army SGT Brian Christopher Karim
- S. R. 27 - Designating February 8, 2023, as Crime Victims Day at Legislature
- S. R. 28 - Recognizing essential role court appointed special advocates provide to WV children

THIRD READING

- Eng. Com. Sub. for S. B. 295 - Extending time that prescription for spectacles remains valid
- Eng. Com. Sub. for S. B. 299 - Relating to crime of trespass generally
- Eng. Com. Sub. for S. B. 300 - Relating to law-enforcement training and certification
- Eng. Com. Sub. for Com. Sub. for S. B. 419 - Establishing standards for licensure of military trained applicants
- Eng. S. B. 449 - Updating terms for Natural Resources Police Officers Retirement System and retirement systems for charter schools (original similar to HB3235)
- Eng. Com. Sub. for S. B. 450 - Defining medical examination for disability purposes in retirement plans administered by Consolidated Public Retirement Board (original similar to HB3234)
- Eng. Com. Sub. for S. B. 451 - Relating to Teachers Retirement System and Teachers' Defined Contribution Retirement System (original similar to HB3236)
- Eng. S. B. 465 - Increasing limit on moneys placed in county's rainy day fund
- Eng. Com. Sub. for S. B. 472 - Creating criminal offense of indecent exposure in front of minors - (With right to amend)
- Eng. S. B. 489 - Requiring BOE provide free feminine hygiene products in certain grades - (Com. title amend. pending)
- Eng. Com. Sub. for S. B. 514 - Clarifying procedure for administrative dissolution of corporations by Secretary of State
- Eng. H. B. 2800 - All relating to authorizing legislative rules regarding higher education

SECOND READING

- Com. Sub. for S. B. 216 - Requiring all schools to instruct students on Holocaust, other genocides and financial literacy

Com. Sub. for S. B. 495 - Providing correctional institutions and juvenile facilities video and audio records be confidential

FIRST READING

S. B. 234 - Clarifying uniform statewide deadline for electronically submitted voter registration applications (original similar to HB3008)

Rev. Com. Sub. for S. B. 250 - Requiring certain drivers display student driver on rear of vehicle

Com. Sub. for S. B. 302 - Relating to Law Enforcement Safety Act

Com. Sub. for S. B. 484 - Clarifying terms and offense of human smuggling

Com. Sub. for S. B. 490 - Patrol Officer Cassie Marie Johnson Memorial Act

S. B. 493 - Exempting WV veterans from certain fees and charges at state parks

Com. Sub. for S. B. 515 - Clarifying deadline to file annual report for companies authorized to do business in WV

S. B. 529 - Allowing businesses to register as limited liability limited partnerships

Com. Sub. for S. B. 532 - Sex Offender Registration Act

S. B. 533 - Relating to limitations on motor vehicle used by nonprofit cooperative recycling associations

Eng. H. B. 2310 - Provide the Division of Motor Vehicles authority to develop an "Antique Fleet" program so that multiple antique motor vehicles may utilize a single registration plate. - (Com. amend. pending)

Eng. H. B. 2602 - Reestablishing certain specialized school service personnel classifications

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2023

Wednesday, February 8, 2023

10 a.m.

Agriculture & Natural Resources

(Room 208W)