

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

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

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Charleston, West Virginia, Wednesday, February 8, 2023

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Bret Layton, Superintendent of the West Virginia South District Church of the Nazarene, Charleston, West Virginia.

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

Pending the reading of the Journal of Tuesday, February 7, 2023,

At the request of Senator Grady, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Clerk presented the following communication from a state agency as required by the provisions of law:

Corrections and Rehabilitation, Division of (§5-1-20)

The Senate 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 passage of

**Eng. Senate Bill 4**, Creating Adopt-A-Trail volunteer programs for public land under DNR jurisdiction.

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 2611**—A Bill to amend and reenact §31A-8-12a of the Code of West Virginia, 1931, as amended, relating to banking from mobile units and provision of messenger services,

expanding the area in which banking from mobile units and the provision of messenger services may be conducted, and updating the boundary limitations for mobile banking and messenger services by banking institutions or other depository institutions.

Referred to the Committee on Banking and Insurance.

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 2789**—A Bill to amend and reenact §16-2D-8, §16-2D-10, and §16-2D-11 of the Code of West Virginia, 1931, as amended, all relating to removing the requirement that a birthing center obtain a certificate of need; and exempting birthing centers from obtaining a certificate of need.

Referred to the Committee on Health and Human Resources.

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

**Eng. Com. Sub. for House Bill 3055**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-13, relating to restructuring technical transition math for students interested in careers in the trades; making findings; describing class; qualifications of instructors; use to meet graduation requirement.

Referred to the Committee on Education.

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 47** (originating in the Committee on **School Choice**), Creating Charter Schools Stimulus Fund.

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

**Com. Sub. for Com. Sub. for Senate Bill 47** (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5G-17, relating to creating the Charter Schools Stimulus Fund to provide financial support to charter school applicants and charter schools that may not otherwise have the resources for start-up costs; requiring State Board of Education rules; specifying requirements the rules are to include; requiring the West Virginia Professional Charter School Board to distribute moneys from the fund to qualifying charter school applicants and charter schools; specifying the manner of distribution; and requiring reimbursement of grant amount plus interest if the recipient has not begun operating a charter school within the next 30 months.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*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

**Com. Sub. for Senate Bill 187** (originating in the Committee on Education), Creating new criminal offenses of sexual contact, intrusion, or abuse of students by school employee.

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

**Com. Sub. for Com. Sub. for Senate Bill 187** (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 §61-8B-11b, relating to making it a felony offense for any school employee or volunteer to engage in sexual intercourse, sexual intrusion, or sexual contact with any student in the school where the person is employed regardless of age; defining terms; declaring that neither consent nor location where an offense occurs is a defense to prosecution specifying the criminal penalties for this offense; and declaring that a final conviction under this section causes the permanent revocation of any education related certificate the school employee may hold.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 195**, Creating Ready-to-Use Glucagon Rescue Therapies for Schools Act.

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

**Com. Sub. for Senate Bill 195** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, and §18-2L-4, all relating to the creation of the Ready-to-Use Glucagon Rescue Therapies for Schools Act; defining terms; prescribing ready-to-use undesignated glucagon rescue therapies; and training for school personnel.

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

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

The bill (Com. Sub. for S. B. 195), under the original double committee reference, was then referred to the Committee on Education.

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

Your Committee on Finance has had under consideration

**Senate Bill 237**, Relating to Public Employees Retirement System and State Teachers Retirement System.

With amendments from the Committee on Pensions pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Pensions to which the bill was first referred.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 290**, Relating to dental health care service plans.

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

**Com. Sub. for Senate Bill 290** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new article, designated §33-62-1, §33-62-2, §33-62-3, and §33-62-4, all relating to dental health care service plans; providing for transparency of expenditures of patient premiums; requiring carriers to file annual reports; requiring annual rebates in the form of premium reductions if funds spent for patient care is less than a certain percentage of premium funds; and providing for legislative and emergency rulemaking.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

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

Your Committee on Finance has had under consideration

**Senate Bill 441**, Removing additional one and one-half percent interest rate for tax underpayments.

And,

**Senate Bill 487**, Extending additional modification reducing federal adjusted gross income.

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

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

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

Your Committee on Military has had under consideration

**Senate Bill 447**, Providing tax credit to disabled veterans for lifetime hunting, trapping and fishing license.

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

**Com. Sub. for Senate Bill 447** (originating in the Committee on Military)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, and §11-13MM-3; to amend and reenact §20-2-28 of said code; and to amend and reenact §20-2B-7 of said code, all relating to tax credit offered to veterans that have been honorably discharged from the military for the cost of their lifetime hunting, trapping, and fishing license; defining "eligible veteran"; establishing amount of credit; setting procedures to claim credit; requiring that disabled veterans obtain a hunting, trapping, and fishing license; and requiring proposal of appropriate legislative rule.

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,

Ryan W. Weld,  
*Chair.*

The bill (Com. Sub. for S. B. 447), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

**Senate Bill 505**, Supplementing and amending appropriations to Department of Administration, Office of Secretary.

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

**Com. Sub. for Senate Bill 505** (originating in the Committee on Finance)—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Office of the Secretary, fund 0186, fiscal year 2023, organization 0201, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*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 508**, Clarifying reporting and disclosure requirements for grassroots lobbying expenditures.

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 516**, Relating to requirements for disclosure of donor contributions.

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

**Com. Sub. for Senate Bill 516** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-8-1a, §3-8-2, and §3-8-2b of the Code of West Virginia, 1931, as amended, all relating to requirements for disclosure of donor contributions; defining terms; modifying the requirements for disclosing individual contributions to an independent expenditure; and clarifying disclosure for contributions made for the specific purpose of electioneering communications.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on Military has had under consideration

**Senate Bill 527**, Allowing family members of military personnel access to discharge records.

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

**Com. Sub. for Senate Bill 527** (originating in the Committee on Military)—A Bill to amend and reenact §7-1-31l of the Code of West Virginia, 1931, as amended, relating to extending the right to receive copies or view, free of charge, copies of the discharge certificate or report of separation from active duty to the family members of persons discharged from the United States Armed Forces.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Eng. Com. Sub. for House Bill 3061**, Relating to updating the authority of the Foster Care Ombudsman.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,  
*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 Senators Trump, Weld, Nelson, and Jeffries:**

**Senate Bill 582**—A Bill to amend and reenact §5-10-2, §5-10-14, §5-10-17, and §5-10-48 of the Code of West Virginia, 1931, as amended, all relating generally to legislative employment and

retirement; modifying the length of service an employee of the Legislature whose term of employment is otherwise classified as temporary and who is employed to perform services required by the Legislature for its regular sessions must serve to obtain service credit towards retirement; removing the requirement that a person retiring from the Legislature must be removed from employment prior to being eligible for temporary employment with the Legislature; and increasing the maximum annual remuneration a retirant may earn as a temporary legislative employee.

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

**By Senator Woodrum:**

**Senate Bill 583**—A Bill to amend and reenact §59-3-3 of the Code of West Virginia, 1931, as amended, relating to reducing rates for legal advertising.

Referred to the Committee on Government Organization.

**By Senators Taylor, Barrett, Grady, Hunt, Karnes, Martin, Maynard, Phillips, Roberts, Rucker, Smith, Stuart, Tarr, and Woodrum:**

**Senate Bill 584**—A Bill to amend and reenact §16-2R-3 of the Code of West Virginia, 1931, as amended, relating to removing the rape and incest exception to obtain an abortion in West Virginia.

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

**By Senator Hamilton:**

**Senate Bill 585**—A Bill to amend and reenact §7-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-1-3ff of said code; and to amend and reenact §16-3-6 of said code, all relating to prohibiting county commissions from adopting any ordinance, rule, license requirement, or other authorization that exceeds state law, rule, or regulation regarding agricultural operations; revoking any ordinance, rule, or regulation previously adopted by county commissions regarding agricultural operations; prohibiting county commissions from adopting any ordinance, rule, regulation, or other authorization that applies to use of federal or state pesticides, herbicides, or insecticides; prohibiting county commissions from adopting ordinances that regulate dwellings or other buildings on agricultural land or operations; requiring appointment of at-large member on county enforcement agency to have background or knowledge of agricultural operations; and clarifying that authorization of public health official to obtain nuisance injunction does not apply to agricultural operations.

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

**By Senator Swope:**

**Senate Bill 586**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-6D-8, relating to review of spending unit software purchases to ensure such functionality does not exist within the state's current enterprise resource planning software.

Referred to the Committee on Government Organization.



**By Senator Chapman:**

**Senate Bill 587**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-5A-1, §15-5A-2, §15-5A-3, §15-5A-4, §15-5A-5, §15-5A-6, §15-5A-7, and §15-5A-8, all relating to enacting the West Virginia Volunteer State Defense Guard Act.

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

**By Senators Takubo, Smith, Stover, and Weld:**

**Senate Bill 588**—A Bill to amend and reenact §11-21-97 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-24-44 of said code, all relating to increasing tax credit for employers providing child care for employees.

Referred to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 589**—A Bill to amend and reenact §18-8-1 and §18-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-25 of said code; to amend and reenact §18-31-2, §18-31-3, §18-31-5, §18-31-6, §18-31-7, §18-31-8, §18-31-9, §18-31-10, and §18-31-11 of said code; and to amend said code by adding thereto a new section, designated §18-31-2a, all relating generally to nonpublic kindergarten, elementary, and secondary school education; permitting Hope Scholarship individualized instructional students, microschool students, and learning pod students to participate in public interscholastic athletic events and other extracurricular activities of public secondary schools; providing that microschoools and learning pods have the authority to issue secondary school diplomas; providing that the annual Hope Scholarship Program appropriation calculation will be based on the estimated number of participating students instead of the number of participating students in the prior year; permitting the State Treasurer to appear by designee at Hope Scholarship Board meetings; clarifying that all records and personally identifying information of a Hope Scholarship student, applicant, or parent is confidential and not subject to disclosure pursuant to the West Virginia Freedom of Information Act; establishing qualifying expenses under the Hope Scholarship Act; requiring the board to maintain and publish a list of all education service providers; authorizing the board to contract with independent auditors to complete Hope Scholarship Program audits; authorizing the board to promulgate legislative rules for the auditing of educational service providers; and requiring education service providers conducting background screenings of employees and other persons in contact with students and to certify screening results to the board.

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

Senator Hunt offered the following resolution:

**Senate Concurrent Resolution 10**—Requesting the Division of Highways name a 1.7 mile stretch of highway, beginning at the intersection of Route 20/1 and County Route 20, also known as Mulberry Ridge Road, in Roane County, West Virginia, the "U. S. Army Air Corps PVT Albert J. Sutphin Memorial Highway".

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 8**, US Army PV 2 Harold Richard Plumley Memorial Bridge.

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

**Senate Concurrent Resolution 9**, Declaring Guyandotte River crayfish official crustacean for State of WV.

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

**Senate Resolution 26**, Commemorating and honoring life, military service, and ultimate sacrifice of US Army SGT Brian Christopher Karim.

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

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

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

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

**Senate Resolution 28**, Recognizing essential role court appointed special advocates provide to WV children.

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

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

The Senate proceeded to the eighth order of business.

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

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

On the passage of the bill, the yeas were: Azinger, Barrett, 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)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 295) 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 299**, Relating to crime of trespass generally.

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

On the passage of the bill, the yeas were: Azinger, Barrett, 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)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 299) 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 300**, Relating to law-enforcement training and certification.

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

On the passage of the bill, the yeas were: Azinger, Barrett, 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)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 300) 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 Com. Sub. for Senate Bill 419**, Establishing standards for licensure of military trained applicants.

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

On the passage of the bill, the yeas were: Azinger, Barrett, 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)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 419) 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 449**, Updating terms for Natural Resources Police Officers Retirement System and retirement systems for charter schools.

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

On the passage of the bill, the yeas were: Azinger, Barrett, 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)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 449) 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 450**, Defining medical examination for disability purposes in retirement plans administered by Consolidated Public Retirement Board.

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 450 pass?"

On the passage of the bill, the yeas were: Azinger, 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)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 450) 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 451**, Relating to Teachers Retirement System and Teachers' Defined Contribution Retirement System.

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

On the passage of the bill, the yeas were: Azinger, Barrett, 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)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 451) 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 465**, Increasing limit on moneys placed in county's rainy day fund.

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

On the passage of the bill, the yeas were: Azinger, 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)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 465) 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 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. Senate Bill 489**, Requiring BOE provide free feminine hygiene products in certain grades.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Rucker—1.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 489) passed.

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

**Eng. Senate Bill 489**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to county boards of education; requiring boards to provide free feminine hygiene products in grades three through 12 to female students not otherwise having access to the products; and defining terms.

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

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

On the passage of the bill, the yeas were: Azinger, Barrett, 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)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 514) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, 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)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 514) takes effect from passage.

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

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

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

On the passage of the bill, the yeas were: Azinger, Barrett, 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)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2800) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, 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)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2800) 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 216**, Requiring all schools to instruct students on Holocaust, other genocides and financial literacy.

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 495**, Providing correctional institutions and juvenile facilities video and audio records be confidential.

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

The Senate proceeded to the tenth order of business.

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:

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

**Rev. Com. Sub. for Senate Bill 250**, Requiring certain drivers display student driver on rear of vehicle.

**Com. Sub. for Senate Bill 302**, Relating to Law Enforcement Safety Act.

**Com. Sub. for Senate Bill 484**, Clarifying terms and offense of human smuggling.

**Com. Sub. for Senate Bill 490**, Patrol Officer Cassie Marie Johnson Memorial Act.

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

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

**Senate Bill 529**, Allowing businesses to register as limited liability limited partnerships.

**Com. Sub. for Senate Bill 532**, Sex Offender Registration Act.

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

**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,

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Smith.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:50 a.m., the Senate recessed until 4 p.m. today.

The Senate reconvened at 4 p.m. and, at the request of Senator Takubo, unanimous consent being granted, returned to the fourth order of business.

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

Your Committee on Finance has had under consideration



**Senate Bill 424**, Authorizing refundable tax credit applied against personal income tax or corporation net income tax.

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

**Com. Sub. for Senate Bill 424** (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-101, §11-13MM-201, §11-13MM-202, §11-13MM-301, §11-13MM-302, §11-13MM-303, §11-13MM-401, §11-13MM-402, §11-13MM-403, §11-13MM-501, §11-13MM-502, §11-13MM-503, §11-13MM-601, §11-13MM-602, §11-13MM-603, §11-13MM-701, §11-13MM-702, §11-13MM-703, §11-13MM-801, §11-13MM-802, §11-13MM-803, §11-13MMN-901, §11-13MM-902, §11-13MM-1001, §11-13MM-1002, and §11-13MM-1101; and to amend said code by adding thereto two new sections, designated §11-21-4g, and §11-21-4h, all relating to taxation; creating refundable tax credits on certain species of personal property tax, allowing tax credit to be applied against personal income tax during a taxable year; providing findings and purpose; defining terms; providing for application of tax credit; specifying credit is refundable; specifying effective date; providing for treatment of credit upon sale or transfer of eligible taxable personal property; providing a refundable tax credit on real property for disabled veterans; providing for an annual report; providing for an annual audit; allowing rulemaking; relating to reducing the personal income tax; providing for a reduction in the rate of personal income tax; reducing the rate of tax on composite returns; reducing the rate of withholding tax on nonresident income; providing for an increase in the consumer sales and service tax and service tax and use tax upon the occurrence of certain contingencies; providing that further action of the Legislature is necessary to raise the personal income tax following a reduction; providing findings; requiring notification to taxpayers of changes to sales and service tax and use tax; requiring annual certification to the Governor and legislative leaders of changes to sales and service tax and use tax; requiring reporting to the legislature; providing for rulemaking; and to provide for tax liabilities that existed prior to elimination of personal income tax.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 424) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Caputo—1.

Absent: Hunt, Maroney, and Stover—3.

The bill was read a second time and ordered to engrossment and third reading.

Engrossed Committee Substitute for Senate Bill 424 was then read a third time and put upon its passage.

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 424 pass?"

On the passage of the bill, the yeas were: Azinger, 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)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 424) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, 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)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 424) 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 thirteenth order of business.

The following communications were reported by the Clerk:



West Virginia House of Delegates  
OFFICE OF THE CLERK  
BUILDING 1, SUITE 212  
1900 KANAWHA BLVD., EAST  
CHARLESTON 25305

STEPHEN J. HARRISON  
CLERK OF THE HOUSE

(304) 340-3200  
STEVE.HARRISON@WVHOUSE.GOV

February 7, 2023

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

Dear Governor Justice,

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

**Com. Sub. for H. B. 2018**, Permitting the managed care case coordinator to attend the multidisciplinary team meeting;

**H. B. 2029**, Repealing the creation of an all-payer claims database;

**And,**

**H. B. 2506**, Creating a title clearinghouse for non-resident businesses.

These bills are presented to you on this day, February 7, 2023.

Respectfully submitted,

A handwritten signature in blue ink that reads "Steve Harrison".

Stephen J. Harrison  
Clerk of the House of Delegates

C: The Honorable Lee Cassis  
Clerk of the Senate



*West Virginia House of Delegates*  
OFFICE OF THE CLERK  
BUILDING 1, SUITE 212  
1900 KANAWHA BLVD., EAST  
CHARLESTON 25305

STEPHEN J. HARRISON  
CLERK OF THE HOUSE

(304) 340-3200  
STEVE.HARRISON@WVHOUSE.GOV

February 8, 2023

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

Dear Governor Justice,

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

**H. B. 2564**, Repeal of administrative hearing procedures for DUI offenses;

**H. B. 2776**, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act;

**And,**

**H. B. 2777**, Updating federal taxable income and other terms in the West Virginia Corporation Net Income Tax Act.

These bills are presented to you on this day, February 8, 2023.

Respectfully submitted,

A handwritten signature in blue ink that reads "Stephen J. Harrison".

Stephen J. Harrison  
Clerk of the House of Delegates

C: The Honorable Lee Cassis  
Clerk of the Senate

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 7, 2023:

**Senate Bill 272:** Senator Nelson.

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 7, 2023:

**Senate Bill 31:** Senator Plymale;

**Com. Sub. for Senate Bill 47:** Senators Oliverio and Roberts;

**Senate Bill 151:** Senator Martin;

**Com. Sub. for Senate Bill 187:** Senators Rucker and Deeds;

**Senate Bill 199:** Senator Martin;

**Senate Bill 215:** Senator Hamilton;

**Senate Bill 290:** Senator Plymale;

**Senate Bill 301:** Senator Hamilton;

**Senate Bill 302:** Senator Hamilton;

**Senate Bill 442:** Senator Oliverio;

**Senate Bill 484:** Senators Martin and Hamilton;

**Senate Bill 515:** Senator Hamilton;

**Senate Bill 519:** Senator Plymale;

**Senate Bill 527:** Senator Maynard;

**Senate Bill 529:** Senator Hamilton;

**Senate Bill 547:** Senator Maynard;

**Senate Bill 552:** Senators Maynard and Martin;

**Senate Bill 559:** Senator Maynard;

**Senate Bill 577:** Senators Woelfel, Rucker, Deeds, and Grady;

**Senate Bill 578:** Senators Woelfel, Plymale, Caputo, and Jeffries;

**Senate Bill 579:** Senator Swope;

**Senate Bill 581:** Senators Plymale and Deeds;

**Senate Concurrent Resolution 8:** Senators Deeds;

**Senate Concurrent Resolution 9:** Senator Plymale;

**Senate Resolution 26:** Senators Plymale and Deeds;

**Senate Resolution 27:** Senators Hamilton, Plymale, Rucker, Swope, Deeds, and Caputo;

And,

**Senate Resolution 28:** Senators Hamilton, Plymale, and Deeds.

On motion of Senator Takubo, at 4:27 p.m., the Senate adjourned until tomorrow, Thursday, February 9, 2023, at 11 a.m.

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## **SENATE CALENDAR**

**Thursday, February 09, 2023  
11:00 AM**

### **UNFINISHED BUSINESS**

S. C. R. 10 - US Army Air Corps PVT Albert J Sutphin Memorial Highway

### **THIRD READING**

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

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

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

### **SECOND 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 sign 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

### **FIRST READING**

Com. Sub. for Com. Sub. for S. B. 47 - Creating Charter Schools Stimulus Fund

Com. Sub. for Com. Sub. for S. B. 187 - Making it felony offense for any school employee or volunteer to engage in sexual contact with students

S. B. 237 - Relating to Public Employees Retirement System and State Teachers Retirement System - (Com. amends. pending)

Com. Sub. for S. B. 290 - Relating to dental health care service plans

S. B. 441 - Removing additional one and one-half percent interest rate for tax underpayments (original similar to HB3246)

S. B. 487 - Extending additional modification reducing federal adjusted gross income

Com. Sub. for S. B. 505 - Supplementing and amending appropriations to Department of Administration, Office of Secretary

S. B. 508 - Clarifying reporting and disclosure requirements for grassroots lobbying expenditures

Com. Sub. for S. B. 516 - Relating to requirements for disclosure of donor contributions

Com. Sub. for S. B. 527 - Allowing family members of military personnel access to discharge records

Eng. Com. Sub. for H. B. 3061 - Relating to updating the authority of the Foster Care Ombudsman - (Com. amend. pending)



**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2023**

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**Thursday, February 9, 2023**

9 a.m.	Education	(Room 451M)
9 a.m.	Government Organization	(Room 208W)