

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Friday, February 10, 2023

The Senate met at 9 a.m.

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

Prayer was offered by the Honorable Mark R. Maynard, a senator from the sixth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mark Hunt, a senator from the eighth district.

Pending the reading of the Journal of Thursday, February 9, 2023,

At the request of Senator Tarr, 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:

Tax Appeals, Office of (§11-10A-7)

The Senate proceeded to the third order of business.

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 2002—A Bill to amend and reenact §11-21-10a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-5K-7; and to amend said code by adding thereto a new article, designated §16-66-1, §16-66-2, and §16-66-3, all relating to providing support for families; increasing adoption tax credit; establishing eligibility of adopted children of West Virginia residents for early intervention services; establishing the West Virginia Mothers and Babies Pregnancy Support Program; defining terms; establishing which organizations are eligible for funding pursuant to program; allowing bureau to contract with management agency to provide program services; and establishing requirements and responsibilities of management agency.

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

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

Eng. Com. Sub. for House Bill 2346—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-15a, relating to retired bus operators as substitutes in areas of critical need and shortage.

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

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

Eng. House Bill 2548—A Bill to amend and reenact §17B-2-1c of the Code of West Virginia, 1931, as amended, relating to temporary identification cards for released inmates; clarifying that the temporary identification cards are issued at no cost to the inmate; and extending the validity of the temporary identification cards.

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

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

Eng. House Bill 2599—A Bill to amend the Code of the West Virginia, 1931, as amended, by adding thereto a new section, designated §31G-4-2a, relating to creating the utility pole rights-of-way and easement mapping initiative; requiring pole owners to provide information to the Department of Economic Development to map the poles; requiring the Department of Economic Development to create maps with specific information about the poles; requiring confidentiality of information about electrical facilities connected to poles; allowing the Department of Economic Development to provide information to parties who demonstrate the need for the information to determine feasibility of projects; requiring confidentiality agreement of any requestor of the information; and providing exception to reporting if pole owner provides information directly to telecommunications entity.

Referred to the Committee on Economic Development; and then to the Committee on the Judiciary.

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 2762—A Bill to amend and reenact §15A-11-3 and §15A-11-5 of the Code of West Virginia, 1931, as amended, all relating to requiring the State Fire Commission to promulgate rules pertaining to sprinkler protection; requiring that buildings commencing construction after a certain date shall be protected by automatic sprinkler systems; providing that certain buildings are exempt from State Fire Code rules pertaining to sprinkler protection; providing that certain buildings are exempt from State Building Code rules pertaining to sprinkler protection.

Referred to the Committee on Government Organization.

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 2845—A Bill to repeal §16-29F-1 of the Code of West Virginia, 1931, as amended, relating to repealing the section regulating the now-expired uninsured and underinsured pilot program.

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. House Bill 2967—A Bill to amend and reenact §30-1-23 of the Code of West Virginia, 1931, as amended, relating to providing for the expedited processing of professional or trade license applications for service members, veterans, and their spouses, when the applicant is licensed and in good standing in another jurisdiction.

Referred to the Committee on Military.

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 3036—A Bill to amend and reenact §5B-2L-14 and §5B-2L-16 of the Code of West Virginia, 1931, as amended, all relating to the BUILD WV Act generally; removing the limit on the number of certified BUILD WV districts that may be certified in this state; and increasing the limit on aggregate sum of approved costs for all BUILD WV projects for any fiscal year.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 3077—A Bill to repeal §60A-10-16 of the Code of West Virginia, 1931, as amended, relating to eliminating the expiration date of the Multi-State Real-Time Tracking System.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 3164—A Bill to amend and reenact §16-5CC-3 of the Code of West Virginia of 1931, as amended, relating to modifying the West Virginia Advisory Council on Rare Diseases; changing the entities to which said Council reports; changing the termination date of said Council.

Referred to the Committee on Health and Human Resources.

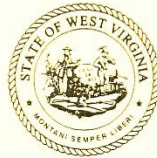
A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3191—A Bill to amend and reenact §16-5B-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §27-1-6 of said code; all relating to requiring licensure for certain health facilities operated by the state and defining terms.

Referred to the Committee on Health and Human Resources.

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 9, 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:

Committee Substitute for Senate Bill No. Eighty-Three (83), which was presented to me on February 6, 2023.

Senate Bill No. Two Hundred Seven (207), which was presented to me on February 6, 2023.

You will note that I have approved these bills on February 9, 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 Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 168, Providing exemption from state severance tax for coal sold to coal-fired power plants located in WV.

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,

Randy E. Smith,
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 213, Relating to responsibility for reimbursement of training cost of law-enforcement employees who leave original jurisdiction.

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

Com. Sub. for Senate Bill 213 (originating in the Committee on Government Organization)—
A Bill to amend and reenact §30-29-8 of the Code of West Virginia, 1931, as amended, relating to responsibility for reimbursement of training costs of law-enforcement employees who leave original jurisdiction of employment for employment in another law-enforcement agency in this state.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

The bill (Com. Sub. for S. B. 213), under the original double committee reference, was then referred to the Committee on Finance.

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 268, Relating to PEIA.

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

Com. Sub. for Senate Bill 268 (originating in the Committee on Health and Human Resources)—A Bill to repeal §5-16-5a, §5-16-5b, and §5-16-28, of the Code of West Virginia, 1931, as amended; to amend and reenact §5-16-2, §5-16-3, §5-16-4, §5-16-5, §5-16-7, §5-16-7b, §5-16-7c, §5-16-7g, §5-16-8, §5-16-9, §5-16-10, §5-16-11, §5-16-13, §5-16-14, §5-16-15, §5-16-16, §5-16-18, §5-16-23, §5-16-25, §5-16-26, §5-16-28; and to amend said code by adding thereto three new sections, designated §5-16-30, §5-16-31 and §5-16-32; relating to public employees insurance.

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,

Michael J. Maroney,
Chair.

At the request of Senator Weld, unanimous consent being granted, the bill (Com. Sub. for S. B. 268) contained in the foregoing report from the Committee on Health and Human Resources 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 467, Providing county commissioners ongoing mechanism to consider compensation increases for elected officials every two years.

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

Com. Sub. for Senate Bill 467 (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to providing county commissioners an ongoing mechanism to consider compensation increases for elected officials every two years.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Jack David Woodrum,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 522, Allocating percentage of county excise taxes for funding improvements to election administration.

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

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

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. 522) 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 543, Authorizing rule-making changes to terms, procedures and reporting duties in higher education.

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

Com. Sub. for Senate Bill 543 (originating in the Committee on Education)—A Bill to amend and reenact §29A-3A-1, §29A-3A-2, §29A-3A-3, §29A-3A-4, §29A-3A-5, §29A-3A-6, §29A-3A-7, §29A-3A-8, §29A-3A-9, §29A-3A-10, §29A-3A-11, §29A-3A-11a, §29A-3A-12, §29A-3A-13, §29A-3A-14, §29A-3A-15, §29A-3A-16, §29A-3A-16a, §29A-3A-17, §29A-3A-18, and §29A-3A-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29A-3A-2a, all relating to higher education and school building authority rule-making; revising definitions; requiring all sections of rule to be filed when proposing an amendment to an existing rule; requiring rule to be accompanied by not of explanation; requiring agency proposing to repeal a rule to file the rule in its entirety with the provisions of the rule struck

through; making provisions applicable to procedural and interpretive rules applicable to legislative exempt rules; allowing an agency to hold a public hearing, schedule a public comment period, or both; requiring agency to respond to public comments and explain the reasoning for comments being incorporated or not incorporated into the rule; reducing time period for filing of notices of hearings for receiving public comment on a proposed rule; allowing repeal of a legislative exempt, procedural, or interpretive rule by filing notice of repeal with the Secretary of State; establishing time limit for filing of notice of approval with the Secretary of State and the Legislative Oversight Commission on Education Accountability (LOCEA); requiring LOCEA make a continuing investigation, study, and review of the practices, policies, and procedures of the State Board of Education; requiring electronic submission of agency-approved rule to LOCEA; requiring electronic filing of notice of approval in the State Register; adding to information that electronic copies of the proposed legislative rule is to include; modifying topics LOCEA's review of a proposed legislative rule is to include; modifying LOCEA's options in making recommendations to the Legislature after reviewing a legislative rule; requiring bill authorizing legislative rule to incorporate the amendments recommended by LOCEA; modifying date after which proposed legislative rules submitted to LOCEA can be withheld from its report to the clerk of the respective houses; modifying provisions pertaining to bills of authorization; removing provisions pertaining to computation of dates; allowing disapproval of rules not approved or acted upon by the Legislature; requiring Secretary of State to publish an authorized and promulgated legislative rule in the Code of State Rules; adding to information that must be filed with emergency rules in the State Register; providing for effective date for emergency rule and amendment to emergency rule; requiring the agency to file a copy of the emergency rule and the required statement with the Secretary of State and LOCEA; reducing time periods the agency has for filing a notice of public hearing on a proposed emergency rule and for filing the proposed emergency rule with LOCEA; removing provision pertaining to emergency legislative rules currently in effect; making certain provisions pertaining to filing an emergency rule and disapproval of an emergency rule applicable to filing an amendment to an emergency rule and disapproval of an emergency rule; modifying provisions pertaining to LOCEA's review of procedural rules, interpretive rules, or existing legislative rules; providing for prior rules to remain in full force and effect; modifying required sunset date; specifying procedure for renewing legislative rule; and requiring Secretary of State to file a notice of sunset in the State Register within 30 days following expiration of a 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,

Amy N. Grady,
Chair.

The bill (Com. Sub. for S. B. 543), 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

Eng. Com. Sub. for House Bill 2412, Declaring November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 3055, To create a vocational math class for students interested in careers in the trades.

And has amended same.

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

Respectfully submitted,

Amy N. Grady,
Chair.

The Senate proceeded to the sixth order of business.

At the request of Senator Weld, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

By Senator Phillips:

Senate Bill 600—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-6-11a; and to amend and reenact §12-6C-13 of said code, all relating generally to requirements for shareholder voting by the West Virginia Investment Management Board and the Board of Treasury Investments; defining terms; setting forth applicability of new requirements; establishing the standard of care for shareholder voting; prohibiting the boards from relying on proxy advisory services unless the service provider agrees to make recommendations according to the standard of care; prohibiting the boards from entrusting direct holdings to any manager unless the manager agrees to cast proxy votes according to the standard of care; requiring a contractual agreement between the boards and their fiduciaries that the boards be provided advance notice and the opportunity to advise fiduciaries with respect to certain shareholder votes; prohibiting the boards' fiduciaries from casting the shareholder votes for the purpose of furthering non-pecuniary interests; requiring the boards to exercise any proxy voting choice options for indirect holdings according to the standard of care; and establishing reporting requirements related to shareholder voting.

Referred to the Committee on Banking and Insurance.

By Senator Rucker:

Senate Bill 601—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to allowing Hope Scholarship private school students; individualized

instructional students; microschool students; and learning pod students to participate in public interscholastic athletic events and other extracurricular activities of public secondary schools.

Referred to the Committee on School Choice.

By Senators Grady, Tarr, and Trump:

Senate Bill 602—A Bill to amend and reenact §18B-1-1f of the Code of West Virginia, 1931, as amended, relating to enabling Bluefield State University and West Virginia State University to offer associate degrees on their campus.

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

By Senator Taylor:

Senate Bill 603—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to providing that the West Virginia Secondary School Activities Commission promulgate legislative rules.

Referred to the Committee on Education.

By Senator Woodrum:

Senate Bill 604—A Bill to amend and reenact §15A-1-9 of the Code of West Virginia, 1931, as amended, relating to the Department of Homeland security; and authorizing the Secretary of the Department of Homeland Security to establish within the department an Office of the Inspector General for the purpose of conducting and supervising investigations and other tasks.

Referred to the Committee on the Judiciary.

By Senator Maroney:

Senate Bill 605—A Bill to amend and reenact §61-12-3 of the Code of West Virginia, 1931, as amended; relating to requiring the state medical examiner to enter into contracts and agreements with a procurement organization when necessary to facilitate the efficient and economical recovery of anatomical gifts.

Referred to the Committee on Health and Human Resources.

By Senator Rucker:

Senate Bill 606—A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempting from ad valorem property tax all property used for divine worship; and including parts of those properties that are used for educational and other charitable purposes.

Referred to the Committee on Finance.

Senator Woodrum offered the following resolution:

Senate Concurrent Resolution 11—Requesting the Division of Highways name bridge number 45-017/00-000.08 (45A035), (37.64910, -80.75149), locally known as Talcott Bridge, carrying CR 17 over Greenbrier River in Summers County, the "U. S. Army SGT Brian Christopher Karim Memorial Bridge".

Which, under the rules, lies over one day.

Senators Boley, Blair (Mr. President), Azinger, Barrett, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Smith, Stuart, Takubo, Tarr, Taylor, Trump, Weld, and Woodrum offered the following resolution:

Senate Resolution 29—Strongly encouraging Monongahela Power Company to purchase Pleasants Power Station.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

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

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, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Stover, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 234) passed with its title.

Senator Weld 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, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Stover, and Takubo—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 234) takes effect from passage.

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

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

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, Maynard, Nelson, Oliverio, Phillips, Plymale,

Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Karnes, Martin, and Taylor—3.

Absent: Maroney, Stover, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Rev. Com. Sub. for S. B. 250) passed with its title.

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

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Karnes, Martin, and Taylor—3.

Absent: Maroney, Stover, and Takubo—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Rev. Com. Sub. for S. B. 250) takes effect July 1, 2023.

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

Eng. Com. Sub. for Senate Bill 302, Relating to Law Enforcement Safety 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: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Stover, and Takubo—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. 302) 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 Weld, 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 484, Clarifying terms and offense of human smuggling.

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 484 pass?"

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

The nays were: None.

Absent: Maroney, Stover, and Takubo—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. 484) 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 490, Patrol Officer Cassie Marie Johnson Memorial Act.

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 490 pass?"

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

The nays were: None.

Absent: Maroney, Stover, and Takubo—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. 490) passed with its title.

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

Thereafter, at the request of Senator Weld, and by unanimous consent, the remarks by Senators Trump and Deeds as to the passage of Engrossed Committee Substitute for Senate Bill 490 were ordered printed in the Appendix to the Journal.

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

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, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Stover, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 493) 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 515, Clarifying deadline to file annual report for companies authorized to do business in WV.

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, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Stover, and Takubo—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. 515) 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 529, Allowing businesses to register as limited liability limited partnerships.

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, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Stover, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 529) 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 532, Sex Offender Registration Act.

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 532 pass?"

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

The nays were: None.

Absent: Maroney, Stover, and Takubo—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. 532) 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 533, Relating to limitations on motor vehicle used by nonprofit cooperative recycling associations.

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 Senate Bill 533 pass?"

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

The nays were: None.

Absent: Maroney, Stover, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 533) passed with its title.

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

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

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, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Stover, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2602) passed with its title.

Senator Weld 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, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Stover, and Takubo—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2602) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Com. Sub. for Senate Bill 47, Creating Charter Schools Stimulus Fund.

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 187, Making it felony offense for school employee or volunteer to engage in sexual contact with students.

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

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

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

The following amendments to the bill, from the Committee on Pensions, were reported by the Clerk, considered simultaneously, and adopted:

On page 2, section 22n, line 13, before the word "shall" by inserting a comma and the words "beginning on or before December 31, 2023,";

On page 2, section 22n, line 22, after the word "month" by inserting the words "beginning on or before December 31, 2023,";

On page 4, section 26y, line 4, after the word "retirant" by inserting a comma and the words "beginning on or before December 31, 2023,";

And,

On page 4, section 26y, line 13, after the word "month" by inserting the words "beginning on or before December 31, 2023".

The bill (S. B. 237), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 290, Relating to dental health care service plans.

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

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

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

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

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

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

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

Senate Bill 508, Clarifying reporting and disclosure requirements for grassroots lobbying expenditures.

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 516, Relating to requirements for disclosure of donor contributions.

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

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

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.

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

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

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

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

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

The Senate proceeded to the tenth order of business.

At the request of Senator Weld, 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 31, Relating to permissible expenditures by Water Development Authority from Infrastructure Fund.

Senate Bill 99, Relating to meetings among county boards of education.

Com. Sub. for Com. Sub. for Senate Bill 274, Third Grade Success Act.

Com. Sub. for Senate Bill 409, Authorizing Department of Commerce to promulgate legislative rules.

Senate Bill 452, Relating to Emergency Medical Services Retirement System.

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

Senate Bill 458, Setting rate of interest on delinquent retirement contribution submissions.

Senate Bill 474, Requiring municipal pensions oversight board to propose legislative rules.

Com. Sub. for Senate Bill 478, Relating to Jumpstart Savings Program.

And,

Senate Bill 481, Extending sunset provision of Upper Kanawha Valley Resiliency and Revitalization Program.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Trump, Plymale, and Maynard.

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

At the request of Senator Trump, unanimous consent being granted, the remarks by Senator Plymale were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills on February 9, 2023:

Com. Sub. for Senate Bill 79: Senator Queen;

Senate Bill 99: Senator Oliverio;

Senate Bill 229: Senator Rucker;

Senate Bill 268: Senator Deeds;

Senate Bill 482: Senators Deeds and Rucker;

Senate Bill 552: Senator Azinger;

Senate Bill 590: Senators Plymale and Barrett;

Senate Bill 591: Senators Rucker, Trump, and Roberts;

Senate Bill 592: Senators Trump and Plymale;

Senate Bill 595: Senators Martin and Woodrum;

Senate Bill 597: Senator Roberts;

And,

Senate Bill 599: Senator Deeds.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Weld, at 10:05 a.m., the Senate adjourned until Monday, February 13, 2023, at 11 a.m.

SENATE CALENDAR

**Monday, February 13, 2023
11:00 AM**

UNFINISHED BUSINESS

S. C. R. 11 - US Army SGT Brian Christopher Karim Memorial Bridge

S. R. 29 - Strongly encouraging Monongahela Power Company to purchase Pleasants Power Station

THIRD READING

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

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

Eng. S. B. 237 - Relating to Public Employees Retirement System and State Teachers Retirement System

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

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

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

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

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

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

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

SECOND READING

Com. Sub. for S. B. 31 - Relating to permissible expenditures by Water Development Authority from Infrastructure Fund

S. B. 99 - Relating to meetings among county boards of education - (Com. title amend. pending)

Com. Sub. for Com. Sub. for S. B. 274 - Third Grade Success Act

Com. Sub. for S. B. 409 - Authorizing Department of Commerce to promulgate legislative rules

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

- S. B. 452 - Relating to Emergency Medical Services Retirement System (original similar to HB3242)
- Com. Sub. for S. B. 453 - Ensuring retirement contributions and delinquency charges of charter school employees be paid upon school closure or by successor (original similar to HB3237)
- S. B. 458 - Setting rate of interest on delinquent retirement contribution submissions (original similar to HB3241)
- S. B. 474 - Requiring municipal pensions oversight board to propose legislative rules (original similar to HB3244)
- Com. Sub. for S. B. 478 - Relating to Jumpstart Savings Program
- S. B. 481 - Extending sunset provision of Upper Kanawha Valley Resiliency and Revitalization Program
- 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. Com. Sub. for H. B. 3061 - Relating to updating the authority of the Foster Care Ombudsman - (Com. amend. pending)

FIRST READING

- Com. Sub. for S. B. 467 - Providing county commissioners ongoing mechanism to consider compensation increases for elected officials every two years
- Eng. Com. Sub. for H. B. 2412 - Declaring November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash
- Eng. Com. Sub. for H. B. 3055 - To create a vocational math class for students interested in careers in the trades. - (Com. amend. pending)