

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Wednesday, February 15, 2023

The Senate met at 11:01 a.m.

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

Prayer was offered by Dr. Jesse Waggoner, Senior Pastor, Mount Calvary Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable David Stover, a senator from the ninth district.

Pending the reading of the Journal of Tuesday, February 14, 2023,

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

At the request of Senator Takubo, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant Stefanie Davis, fiancé of the Honorable Michael J. Maroney, a senator from the second district, privileges of the floor for the day.

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2005—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-14-4, all relating to the dual enrollment pilot program; providing definitions; establishing the program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education; providing for funding; providing for rulemaking; and requiring annual reporting.

Referred to the Committee on Education.

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 2309—A Bill to amend and reenact §11-1C-11 of the Code of West Virginia, 1931, as amended, relating to the creation of an online renewal process for the Managed Timberland Program of the West Virginia Division of Forestry; creating a deadline for the Division of Forestry to maintain an online renewal application form; providing guidelines for initial information on the form; ensuring the submission of the form is of no cost to the individual; and preserving any costs for the initial application that is used by the West Virginia Division of Forestry.

Referred to the Committee on Agriculture and Natural 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 2540—A Bill to repeal §33-12-32b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §33-62-1, §33-62-2, §33-62-3, §33-62-4, §33-62-5, §33-62-6, §33-62-7, §33-62-8, §33-62-9, §33-62-10, §33-62-11, §33-62-12, §33-62-13, relating to adopting the Travel Insurance Model Act; giving this act a short title; listing the scope and purposes; providing definitions; providing licensing and registration requirements; establishing a premium tax; establishing forms and rates; setting methods enabling the Commissioner to set pricing structure; establishing acceptable sales practices; establishing requirements for travel administrators; allowing for both individual and group policies; granting the Commissioner enforcement powers; granting rulemaking for the Commissioner; and setting an effective date.

Referred to the Committee on Banking and Insurance; 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 2605—A Bill to amend and reenact §55-7-15 and §55-7-17 of the Code of West Virginia, 1931, as amended, all relating to actions for injuries; providing that persons who in good faith render emergency care, or assistance to a person in an accident, emergency, or disaster, voluntarily and without remuneration, are not liable for civil damages for acts or omissions at the scene; and also that persons trained in a qualified program of emergency services who in good faith renders or provides advice, assistance, equipment, or materials at the scene of an actual or threatened accident, emergency, or disaster, voluntarily and without remuneration, are not liable for civil damages for acts or omissions at the scene.

Referred 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 2817—A Bill to amend and reenact §24-2D-2 and §24-2D-3 of the Code of West Virginia, 1931, as amended, all relating to Public Service Commission jurisdiction over alternative fuel for motor vehicles; clarifying the definitions of alternative fuel and alternative fuel vehicles; limiting Public Service Commission jurisdiction over temporary electric charging locations for alternative fuel vehicles with movable generators, provided the temporary

electric charging locations are at fairs, festivals, and other special events, at locations where the electric distribution grid has been adversely effected by emergencies or disasters, natural or otherwise; or at locations which facilitate evacuations from such emergencies or disasters, impending or otherwise; and making technical improvements.

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

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

Eng. Com. Sub. for House Bill 3044—A Bill to amend and reenact §29-22B-1103 of the Code of West Virginia, 1931, as amended, relating to the annual fee for limited video lottery terminal permits; permitting reduced fee in certain circumstances for certain period; establishing criteria for reduced annual fee for video lottery terminals; requiring West Virginia Lottery to determine which permit holders qualify for reduced annual permit fees and amount thereof; and terminating provisions.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 3098—A Bill to amend the Code of West Virginia, 1931, by adding thereto a new section designated §18-2-44, all relating to standardized testing in state public schools; providing legislative findings and definitions; setting forth requirements to which the state department of education must adhere for a single, comprehensive statewide student assessment program for standardized testing, the frequency therefore and exceptions thereto; requiring that student test results be available to parents and guardians, as well as schools and school districts to which the student transfers; requiring that the department report certain data to the Legislative Oversight Committee on Education Accountability; allowing for certain additional standardized assessments under certain circumstances; clarifying that screener assessments are not prohibited; and providing an effective date.

Referred to the Committee on Education.

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 3113—A Bill to amend and reenact §18-2-7c of the Code of West Virginia, 1931, as amended, relating to requiring additional class options for the delivery of a program of instruction on personal finance for students in secondary schools and requiring every student to complete a course prior to high school graduation.

Referred to the Committee on Education.

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

Eng. House Bill 3199—A Bill to amend and reenact §16-5-22 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that an ectopic pregnancy be reported.

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 3210—A Bill to amend and reenact §15A-10-15 of the Code of West Virginia, 1931, as amended, relating to the performance of installation of propane gas systems; providing definitions; and creating certain prohibitions related to liquefied petroleum containers without consent of the owner.

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 3261—A Bill to amend and reenact §30-30-16 of the Code of West Virginia, 1931, as amended, relating to modifying the qualifications for social workers in West Virginia.

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. House Bill 3272—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §311-1-1, §311-1-2, §311-1-3, §311-1-4, §311-1-5, §311-1-6, §311-1-7, §311-1-8, §311-1-9, §311-1-10, §311-1-11, and §311-1-12, all relating to the operation of private trust companies in the State of West Virginia; and to amend and reenact §36-1A-1 of said code, relating to the statutory rule against perpetuities in the State of West Virginia.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

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 3302—A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, and to amend and reenact §61-2-30 of said code; all relating to recognizing an embryo or fetus as a distinct unborn victim for certain DUI offenses; including an embryo or fetus as a distinct unborn victim for the offense of DUI causing death; including an embryo or fetus as a distinct unborn victim for the offense of DUI causing serious bodily injury; and clarifying that a pregnant woman and the embryo or fetus she is carrying in the womb constitute separate and distinct victims as applied to the offenses of DUI causing death and DUI causing serious bodily injury.

Referred 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 3311—A Bill to amend and reenact §60-8-2 of the Code of West Virginia, 1931, as amended, relating to the alcohol content of certain wines; changing the alcohol limit of table wine; changing the minimum alcohol content of nonfortified dessert wine.

Referred to the Committee on Government Organization.

Executive Communications

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



Jim Justice
Governor of West Virginia
February 14, 2023

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
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:

House Bill No. Two Thousand Five Hundred Sixty-Four (2564), which was presented to me on February 8, 2023.

House Bill No. Two Thousand Seven Hundred Seventy-Six (2776), which was presented to me on February 8, 2023.

House Bill No. Two Thousand Seven Hundred Seventy-Seven (2777), which was presented to me on February 8, 2023.

You will note that I have approved these bills on February 14, 2023.

Sincerely

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis



Jim Justice
Governor of West Virginia
February 15, 2023

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
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 House Bill No. Two Thousand Five Hundred Thirty (2530), which was presented to me on February 9, 2023.

House Bill No. Two Thousand Five Hundred Thirty-Three (2533), which was presented to me on February 9, 2023.

You will note that I have approved these bills on February 15, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis

State Capitol | 1900 Kanawha Blvd., East, Charleston, WV 25305 | (304) 558-2000

The Senate proceeded to the fourth order of business.

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

Your Committee on Education has had under consideration

Senate Bill 61, Providing personal property tax credit to graduates of certain higher education institutions or trade schools.

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

Com. Sub. for Senate Bill 61 (originating in the Committee on Education)—A Bill to amend and reenact §11-21-8 of the Code of West Virginia, 1931, as amended, relating to providing new graduates of an in-state or out-of-state higher educational institution, community or technical college, or trade school a \$1,000 tax credit on the personal property tax of the graduate for five taxable years; providing rule-making authority to the Tax Commissioner; and removing expired language.

And,

Senate Bill 578, Hunger-Free Campus Act.

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

Com. Sub. for Senate Bill 578 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, and §18B-21-4, all relating to creating the Hunger-Free Campus Act; providing for a short title; requiring the West Virginia Higher Education Policy Commission to establish the Hunger-Free Campus Grant Program; stating the purpose of the program and of the grant funding; establishing requirements for an institution to be designated as a hunger-free campus; requiring, subject to availability of funding, Chancellor for Higher Education to allocate grant funding to certain campuses; and requiring chancellor to submit a report to the Governor and to the Legislature no later than two years after the establishment of the program.

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

Respectfully submitted,

Amy N. Grady,
Chair.

The bills (Com. Sub. for S. B. 61 and 578), under the original double committee references, were then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 191, Relating to liability for payment of court costs as condition of pretrial diversion agreement.

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

Com. Sub. for Senate Bill 191 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-11C-9 of the Code of West Virginia, 1931, as amended, relating to liability for payment of court costs as a condition of a deferred adjudication agreement; correcting a reference to a code section governing deferred prosecution agreements; and declaring that financial inability to pay court costs cannot be a basis for denying a deferred adjudication.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
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 293, Increasing fees charged by sheriff.

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

Com. Sub. for Senate Bill 293 (originating in the Committee on Government Organization)—A Bill to amend and reenact §59-1-14 of the Code of West Virginia, 1931, as amended, relating to fees charged by sheriffs; increasing maximum fees that the sheriff may charge for serving notices related to tax sales of real property; increasing maximum fees generally; and increasing portion of fees charged by the sheriff directed to the Deputy Sheriff Retirement Fund.

And,

Senate Bill 303, Relating to Violent Crime Prevention Act.

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

Com. Sub. for Senate Bill 303 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-18, relating to the creation of the Violent Crime Prevention Act; and requiring law enforcement to submit ballistics data to the National Integrated Ballistic Information Network (NIBIN) for alleged use of firearm in connection with charges for certain crimes.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Jack David Woodrum,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 430, Relating to State Treasurer's authority to contract with financial institutions for banking goods and services.

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

Com. Sub. for Senate Bill 430 (originating in the Committee on Banking and Insurance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-1a; and to amend and reenact §12-2-2 of said code, all relating generally to the State Treasurer's authority to contract with financial institutions for banking goods and services; defining terms in chapter; and clarifying Department of Revenue shall utilize State Treasurer's contracts and agreements with financial institutions when collecting moneys owed to the state unless an exemption is granted.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael T. Azinger,
Chair.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 440, Authorizing DOH pay current obligations from State Road Fund.

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

Com. Sub. for Senate Bill 440 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17-3-2 of the Code of West Virginia, 1931, as amended, relating to payments from the State Road Fund; authorizing transfer of spending authority between appropriations; and requiring reporting by the Division of Highways.

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

Respectfully submitted,

Charles H. Clements,
Chair.

The bill (Com. Sub. for S. B. 440), under the original double committee reference, was then referred to the Committee on Finance.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 455, Modifying certain used car restrictions.

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

Com. Sub. for Senate Bill 455 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17A-6-1 of the Code of West Virginia, 1931, as amended, relating to modifying requirements for used motor vehicle dealers.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles H. Clements,
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 526, Including early detection and diagnosis of Alzheimer's and other dementias in public health programs and services.

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

Com. Sub. for Senate Bill 526 (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 §16-66-1, relating to including the early detection and diagnosis of Alzheimer's disease and other dementias in existing public health programs and services.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,
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 559, Relating to spousal privilege.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 562, Relating to operation of private trust companies in WV.

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

Com. Sub. for Senate Bill 562 (originating in the Committee on Banking and Insurance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §311-1-1, §311-1-2, §311-1-3, §311-1-4, §311-1-5, §311-1-6, §311-1-7, §311-1-8, §311-1-9, §311-1-10, §311-1-11, §311-1-12 and §311-1-13; and to amend and reenact §36-1A-1 of said code, all relating to the operation of private trust companies and rule against perpetuities; creating the West Virginia Private Trust Company Act; setting forth purposes and findings; defining terms; specifying requirements and limitations for and powers of private trust companies and licensed private trust companies; requiring a nonrefundable application fee; creating a special account in the State Treasury; specifying responsibilities and rule-making authority by State Auditor; modifying statutory rule against perpetuities; and abolishing common law rule against perpetuities or remoteness in vesting.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael T. Azinger,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 562) contained in the foregoing report from the Committee on Banking and Insurance was then referred to the Committee on Rules.

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 568, Relating to Dangerousness Assessment Advisory Board.

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

Com. Sub. for Senate Bill 568 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §27-6A-13 of the Code of West Virginia, 1931, as amended, relating generally to the Dangerousness Assessment Advisory Board; clarifying the board's primary purpose; authorizing board to offer its services to the court when requested; providing information and recommendations to the courts; and declaring that the Secretary of the Department of Health and Human Services has no supervisory authority over the board.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
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 571, Regulating fantasy gaming competitions and sports wagering through independent evaluations.

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

Com. Sub. for Senate Bill 571 (originating in the Committee on Government Organization)—
A Bill to amend and reenact §29-22D-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-22D-25, all relating to allowing the West Virginia Lottery Commission to accredit independent evaluators to audit and opine on sports betting content directly or indirectly affiliated with management services providers; and subjecting management services providers and their direct or indirect affiliates to civil and criminal penalties.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

The bill (Com. Sub. for S. B. 571), under the original double committee reference, was then referred to the Committee on the Judiciary.

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 580, Authorizing election for special levy renewal.

And,

Senate Bill 593, Mandating cost of living salary adjustment policy for state employees.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of Senate Bill 580 contained in the foregoing report from the Committee on Government Organization.

Senate Bill 593, 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 605, Requiring state medical examiner to enter into contracts with procurement organization.

And,

Eng. Com. Sub. for House Bill 2845, Relating to removing expired provisions from the code.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

Senator Queen, 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 609, Obtaining approval for decommissioning or deconstructing of existing power plant.

And has amended same.

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

Respectfully submitted,

Ben Queen,
Vice Chair.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 3, Dr. Roland P. Sharp Memorial Road.

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

Com. Sub. for Senate Concurrent Resolution 3 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name a portion of Route 92, beginning at point 38.359565, -79.880861 and ending at point 38.163267, -79.980827, in Pocahontas County, the "Dr. Roland P. Sharp Memorial Road".

Senate Concurrent Resolution 4, Ira 'Noon' Copley and Marie Copley Memorial Bridge.

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

Com. Sub. for Senate Concurrent Resolution 4 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 30-003/05-014.61 (30A290), 37.89328, -82.23771, locally known as Big Rock Beam Span Bridge, carrying CR 3/5 over West Fork of Twelvepole Creek in Mingo County, the "U.S. Navy S1 Ira "Noon" Copley and Marie Copley Memorial Bridge".

And,

Senate Concurrent Resolution 6, US Army SGT Vincent DiBacco Memorial Bridge.

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

Com. Sub. for Senate Concurrent Resolution 6 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 47-219/00-021.87 (47A060), (39.15277, -79.49617), locally known as Thomas Bridge, carrying U.S. Route 219 over North Fork Blackwater River in Tucker County, the "U. S. Army SGT Vincent DiBacco Memorial Bridge".

With the recommendation that the three committee substitutes be adopted.

Respectfully submitted,

Charles H. Clements,
Chair.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

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

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Charles H. Clements,
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 2596, To modify when a nonresident student's transfer may be denied.

And has amended same.

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

Respectfully submitted,

Amy N. Grady,
Chair.

Senator 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 3164, To extend the termination date of the West Virginia Advisory Council on Rare Diseases due to a delay in beginning its duties.

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

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 Senator Queen:

Senate Bill 631—A Bill to amend and reenact §3-1-48 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-2-6 and §3-2-18 of said code; to amend and reenact §3-7-3, §3-7-6, and §3-7-7 of said code; and to amend and reenact §3-10-3 of said code, all relating to elections in general and specifically expenditures of federal appropriations from Congress to the Secretary of State for purposes that further the administration of federal elections held in the state, payable from the County Assistance Voting Equipment Fund; clarifying the uniform statewide deadline for electronically submitted voter registration applications; changing the deadline by which county clerks must report voter participation history after an election into the statewide voter registration system; making contested elections procedure update; making procedures for election contests before a special court applicable to contested elections of certain judges; changing jurisdiction of election contests for county, district, and municipal elections to the circuit courts; requiring a recount proceeding to be completed before filing certain election contests; providing certain procedural requirements for election contests before circuit courts; providing for appeals of a decision made by a circuit court in an election contest be made to the Supreme Court of Appeals, and granting rulemaking authority to the Supreme Court of Appeals regarding election contests before circuit courts; providing when vacancies in the office of magistrate shall be filled by election or appointment; clarifying that when a vacancy in the office of magistrate creates an unexpired term of more than three years the vacancy shall be filled by election; and clarifying that

when a vacancy in the office of magistrate creates an unexpired term of less than three years the vacancy shall be filled by appointment.

Referred to the Committee on the Judiciary.

By Senator Chapman:

Senate Bill 632—A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to prohibiting COVID-19 and other experimental vaccines and creating religious and philosophical exemptions for school attendance vaccines.

Referred to the Committee on Health and Human Resources.

By Senator Woodrum:

Senate Bill 633—A Bill to amend and reenact §62-1-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §62-1C-17b of said code; and to amend and reenact §62-2-17 of said code, all relating to failure to appear; requiring prompt appearances for persons detained on capiases; providing procedures for issuing bench warrants for nonappearance at scheduled court hearings; allowing a grace period after a failure to appear to allow a defendant to appear; providing procedures following execution of bench warrants for nonappearance; and requiring courts to ensure that inactive capiases are removed from law-enforcement databases.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 634—A Bill to amend and reenact §8-2-18 of the Code of West Virginia, 1931, as amended, relating to increasing the value at which municipal property must be sold through public auction; and allowing for the negotiated sale of real property to adjacent property owners.

Referred to the Committee on Government Organization.

By Senator Weld:

Senate Bill 635—A Bill to amend and reenact §61-8-9 of the Code of West Virginia, 1931, as amended, relating to indecent exposure of a person's nude penis, vagina, or anus; declaring that indecent exposure requires exposing one's nude penis, vagina, or anus; authorizing a person convicted of third offense indecent exposure for purposes of sexual gratification to be both fined and imprisoned; creating enhanced penalties for second and subsequent violations; creating the criminal offense of indecent exposure in front of minors; removing breast-feeding exemption as unnecessary due to definition clarification; defining terms; and establishing criminal penalties for the new offense.

Referred to the Committee on the Judiciary.

By Senators Barrett, Jeffries, Nelson, Phillips, Queen, Rucker, Takubo, and Weld:

Senate Bill 636—A Bill to amend and reenact §29-22A-10 of the Code of West Virginia, 1931, as amended, relating to racetrack video lottery; providing for certain transfers to and from the Licensed Racetrack Modernization Fund; and specifying the eligible purpose for recoupment of funds on deposit in facility modernization account within the Licensed Racetrack Modernization Fund.

Referred to the Committee on Finance.

By Senators Phillips and Smith:

Senate Bill 637—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-9-1, §31A-9-2, §31A-9-3, and §31A-9-4, all relating to the creation of the Fair Access to Financial Services Act; providing for a short title; providing for definitions; providing for legislative findings; and providing for enactment of the article.

Referred to the Committee on Banking and Insurance.

By Senator Grady:

Senate Bill 638—A Bill to amend and reenact §18A-4-10a of the Code of West Virginia, 1931, as amended, relating to bonuses for unused days of personal leave for school personnel, including professional and service employees.

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

By Senators Oliverio and Caputo:

Senate Bill 639—A Bill to amend and reenact §32-4-406 and §32-4-407a of the Code of West Virginia, 1931, as amended; and to amend said code by adding 12 new sections, designated §32-7-701, §32-7-702, §32-7-703, §32-7-704, §32-7-705, §32-7-706, §32-7-707, §32-7-708, §32-7-709, §32-7-710, §32-7-711, and §32-7-712, all relating generally to authorizing victim restitution and creating a restitution assistance fund for victims of securities violations; providing a short title; providing definitions; creating the Securities Restitution Operating Fund; providing for the manner and procedures for applications for restitution assistance; providing the manner and procedures for the payment of restitution assistance awards; detailing the situations in which restitution is prohibited; providing for subrogation; providing for a lien on recovery and refunds of excessive restitution amounts; providing for the suspension of claims; exempting the restitution awards from attachment or intercept; authorizing the Auditor to promulgate rules regarding the restitution program; providing an effective date; permitting the Auditor to transfer three percent of securities fees collected to the Securities Restitution Operating Fund; and authorizing the awarding of restitution in an administrative assessment.

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

By Senators Oliverio and Rucker:

Senate Bill 640—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-31-1, §17-31-2, §17-31-3, §17-31-4, and §17-31-5, all relating to requiring the Commissioner of Highways to develop a formula for allocating road funds among districts, for the benefit of the counties; making legislative findings; requiring the commissioner to solicit and consider public comments; requiring the commissioner to include certain factors in the formula; and requiring the commissioner to submit the formula to the Legislature for approval as a legislative rule.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senator Chapman:

Senate Bill 641—A Bill to amend and reenact §3-10-3 of the Code of West Virginia, 1931, as amended, relating to when vacancies in the office of magistrate shall be filled by election or appointment; clarifying that when a vacancy in the office of magistrate creates an unexpired term of more than three years the vacancy shall be filled by election; and clarifying that when a vacancy

in the office of magistrate creates an unexpired term of less than three years the vacancy shall be filled by appointment.

Referred to the Committee on the Judiciary.

By Senator Chapman:

Senate Bill 642—A Bill to amend and reenact §3-2-18 of the Code of West Virginia, 1931, as amended, relating to the deadline by which county clerks must report voter participation history after an election into the statewide voter registration system.

Referred to the Committee on Government Organization.

By Senator Chapman:

Senate Bill 643—A Bill to amend and reenact §3-1-48 of the Code of West Virginia, 1931, as amended, relating to expenditures of federal appropriations from Congress to the Secretary of State for purposes that further the administration of federal elections held in the state, payable from the County Assistance Voting Equipment Fund.

Referred to the Committee on the Judiciary.

By Senator Chapman:

Senate Bill 644—A Bill to amend and reenact §3-7-3, §3-7-6, and §3-7-7 of the Code of West Virginia, 1931, as amended, all relating to contested elections procedure update; making procedures for election contests before a special court applicable to contested elections of certain judges; changing jurisdiction of election contests for county, district, and municipal elections to the circuit courts; requiring a recount proceeding to be completed before filing certain election contests; providing certain procedural requirements for election contests before circuit courts; providing for appeals of a decision made by a circuit court in an election contest be made to the Supreme Court of Appeals; and granting rulemaking authority to the Supreme Court of Appeals regarding election contests before circuit courts.

Referred to the Committee on the Judiciary.

By Senators Rucker and Taylor:

Senate Bill 645—A Bill to amend and reenact §16-3-1 of the Code of West Virginia, 1931, as amended, relating to ensuring that no law may require a person to receive or use a medical product; and ensuring there will be no penalties imposed nor benefit denied due to refusing a medical product or refusing to disclose whether a medical product has been used or not.

Referred to the Committee on Health and Human Resources.

By Senator Nelson:

Senate Bill 646—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-12a, relating to creating an emeritus physician license; and providing legislative rulemaking.

Referred to the Committee on Health and Human Resources.

By Senator Trump:

Senate Bill 647—A Bill to amend and reenact §49-4-601b of the Code of West Virginia, 1931, as amended, relating to substantiation of child abuse and neglect allegations; directing that

Department of Health and Human Resources files of unsubstantiated allegations of child abuse and neglect shall be expunged one year after the determination is made unless a substantiated allegation is made within the one-year period; directing that department abuse and neglect files be expunged after five years where the allegation is substantiated but either no petition is filed or the court finds no abuse or neglect; allowing persons adjudicated to be neglectful to petition the court for removal from the central registry and have their department file sealed after five or more years on the registry; requiring that no substantiated allegations are made against the person during the period after the finding of neglect and prior to the filing of a petition; and setting forth factors which may be considered when reviewing a petition.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 648—A Bill to amend and reenact §23-4-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §23-4-2a, §23-4-2b, and §23-4-2c, all relating to the deliberate intent exception to the immunities provided under workers compensation; clarifying the definition of employee; removing occupational pneumoconiosis as a covered injury; requiring bifurcation of discovery upon request of the defendant, establishing a limit on noneconomic loss; accounting for collateral source payments for the same injury; and setting a limit of fees and costs recoverable by attorney for the claimant or dependent.

Referred to the Committee on the Judiciary.

By Senators Blair (Mr. President), Trump, Rucker, and Barrett:

Senate Bill 649—A Bill to amend chapter 232, Acts of the Legislature, Regular Session 2008, by adding thereto a new section designated section six, relating to authorizing the Berkeley County Council to change its name to the Berkeley County Commission; providing that name change does not affect the commission's powers, duties, or responsibilities or the terms of the commission's members; and requiring public notice of the council's intent to change its name.

Referred to the Committee on Government Organization.

By Senators Takubo, Tarr, and Weld:

Senate Bill 650—A Bill to amend and reenact §30-3-14 and §30-3-15, of the Code of West Virginia, 1931, as amended; and to amend and reenact §31B-13-1301, all relating to authorizing physician assistants own a business; denying a license or other authorization for physician assistants for referrals where the physician assistant has a proprietary interest; authorizing medical corporations that have physician assistant shareholders; conforming the definition of "physician assistant" to the American Academy of Physician Associates' term for the profession; and designating the profession of physician assistant as a professional service for the purposes of the Uniform Limited Liability Company Act.

Referred to the Committee on Health and Human Resources.

By Senator Takubo:

Senate Bill 651—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-62-1, relating to requiring health benefit plan coverage; creating the Oral Health and Cancer Rights Act; requiring coverage for medically necessary dental procedures that result from cancer treatment; explaining scope of procedures covered as a result

of certain cancer treatments; requiring use of specific billing identifier; and setting an effective date.

Referred to the Committee on Health and Human Resources.

Senator Jeffries offered the following resolution:

Senate Resolution 32—Designating February 16, 2023, as West Virginia State University Day at the Legislature.

Which, under the rules, lies over one day.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the fourth order of business.

Senator Queen, 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 Resolution 33 (originating in the Committee on Energy, Industry, and Mining)—Strongly urging West Virginia's congressional delegation to promote new construction of coal-fired electric generation facilities and development of efficient clean coal technology and carbon sequestration projects in West Virginia.

And reports the same back with the recommendation that it be adopted; but with the further recommendation that it first be referred to the Committee on Rules.

Respectfully submitted,

Ben Queen,
Vice Chair.

At the request of Senator Queen, unanimous consent being granted, the resolution (S. R. 33) contained in the foregoing report from the Committee on Energy, Industry, and Mining was then referred to the Committee on Rules.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 467, Providing county commissioners ongoing mechanism to consider compensation increases for elected officials every two years.

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, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Chapman, Karnes, Martin, Maynard, Rucker, and Taylor—6.

Absent: None.

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. 467) 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 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 third reading, coming up in regular order, with the unreported Transportation and Infrastructure committee amendment pending, and with the right having been granted on February 13, 2023, for further 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 rereferred to the Committee on Transportation and Infrastructure with the right to amend on third reading remaining in effect and with the unreported Transportation and Infrastructure committee amendment pending.

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

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

Pending extended discussion,

At the request of Senator Hamilton, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of the Marshall University football players who lost their lives in the November 14, 1970, team plane crash.

The question now being "Shall Engrossed Committee Substitute for House Bill 2412 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, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2412) passed with its title.

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Hamilton, Maroney, Plymale, Woelfel, and Maynard regarding the passage of Engrossed Committee Substitute for House Bill 2412 were ordered printed in the Appendix to the Journal.

Eng. House Bill 2882, Making a supplemental appropriation to the Department of Economic Development.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, February 14, 2023, for amendments to be received on third reading, was read a third time.

On motion of Senator Phillips, the following amendment to the bill was reported by the Clerk:

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

That Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, to fund 0256, fiscal year 2023, organization 0307 be supplemented and amended to read as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF ECONOMIC DEVELOPMENT

42 – Department of Economic Development –

Office of the Secretary

(WV Code Chapter 5B)

Fund 0256 FY 2023 Org 0307

	Appro- piation		General Revenue Fund
1 Personal Services and Employee Benefits.....	00100	\$	4,151,904
2 Unclassified.....	09900		108,055
3 Current Expenses.....	13000		4,738,464
3a Current Expenses – Surplus.....	13099		200,000
4 National Youth Science Camp.....	13200		241,570
5 Local Economic Development Partnerships (R).....	13300		1,250,000
6 ARC Assessment	13600		152,585
7 Global Economic Development Partnerships (R).....	20201		150,000
8 Guaranteed Work Force Grant (R)	24200		982,630

8a Directed Transfer – Surplus.....	70099	114,800,000
9 Mainstreet Program.....	79400	170,493
10 BRIM Premium.....	91300	3,157
11 Hatfield McCoy Recreational Trail	96000	<u>198,415</u>
12 Total	\$	127,147,273

Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0256, appropriation 09700), Partnership Grants (fund 0256, appropriation 13100), Local Economic Development Partnerships (fund 0256, appropriation 13300), Global Economic Development Partnerships (fund 0256, appropriation 20201), and Guaranteed Work Force Grant (fund 0256, appropriation 24200) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

From the above appropriation for Current Expenses (fund 0256, appropriation 13000), \$50,000 shall be used for the Western Potomac Economic Partnership, \$100,000 shall be used for Advantage Valley, \$750,000 shall be used for the Robert C. Byrd Institute, \$548,915 shall be used for West Virginia University, \$298,915 shall be used for Southern West Virginia Community and Technical College for the Mine Training and Energy Technologies Academy.

The above appropriation to Local Economic Development Partnerships (fund 0256, appropriation 13300) shall be used by the Department of Economic Development for the award of funding assistance to county and regional economic development corporations or authorities participating in the Certified Development Community Program developed under the provisions of W.Va. Code §5B-2-14. The Department of Economic Development shall award the funding assistance through a matching grant program, based upon a formula whereby funding assistance may not exceed \$30,000 per county served by an economic development or redevelopment corporation or authority.

From the above appropriation for Directed Transfer – Surplus (fund 0256, appropriation 70099), \$104,800,000 shall be transferred to the Economic Development Project Fund (fund 9069) and \$10,000,000 shall be transferred to the Broadband Development Fund (fund 3034).

From the above appropriation for Current Expenses – Surplus (fund 0256, appropriation 13099) \$200,000 shall be used for Southern West Virginia Community and Technical College for the Mine Training and Energy Technologies Academy.

On motion of Senator Smith, the following amendments to the amendment offered by Senator Phillips to the bill (Eng. H. B. 2882) were reported by the Clerk and considered simultaneously:

On page 2, section 1, line 23, by striking out "114,800,000" and inserting in lieu thereof "10,000,000";

On page 2, section 1, line 27, by striking out "\$127,147,273" and inserting in lieu thereof "\$22,147,273";

And,

On page 3, section 1, lines 47 through 49 by striking out the words "From the above appropriation for Directed Transfer – Surplus (fund 0256, appropriation 70099), \$104,800,000 shall be transferred to the Economic Development Project Fund (fund 9069) and \$10,000,000 shall be transferred to the Broadband Development Fund (fund 3034)" and inserting in lieu thereof the words "From the above appropriation for Directed Transfer – Surplus (fund 0256, appropriation 70099) \$10,000,000 shall be transferred to the Broadband Development Fund (3034)".

Following discussion,

The question being on the adoption of Senator Smith's amendment to the amendment offered by Senator Phillips to the bill, the same was put and did not prevail.

On motion of Senator Smith, the following amendment to the amendment offered by Senator Phillips to the bill (Eng. H. B. 2882) was next reported by the Clerk:

On page 3, section 1, lines 48 and 49, by striking out the words "Economic Development Project" (fund 9069)" and inserting in lieu thereof the words "Water Development Authority (fund 3384)".

Following discussion,

The question being on the adoption of Senator Smith's amendment to the amendment offered by Senator Phillips to the bill, the same was put and did not prevail.

The question now being on the adoption of the amendment offered by Senator Phillips to the bill (Eng. H. B. 2882).

Following extended discussion,

The question being on the adoption of the amendment offered by Senator Phillips to the bill, and on this question, Senator Phillips demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Grady, Hunt, Karnes, Martin, Maynard, Phillips, Roberts, Rucker, Smith, Stover, Stuart, Tarr, and Taylor—14.

The nays were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Hamilton, Jeffries, Maroney, Nelson, Oliverio, Plymale, Queen, Swope, Takubo, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—20.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared the amendment offered by Senator Phillips to the bill rejected.

Thereafter, at the request of Senator Smith, and by unanimous consent, the remarks by Senator Caputo as to the adoption of the amendment offered by Senator Phillips to Engrossed House Bill 2882 were ordered printed in the Appendix to the Journal.

Engrossed House Bill 2882 was then put upon its passage.

Pending extended discussion,

(Senator Swope in the Chair.)

Pending extended discussion,

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

Pending discussion,

The question being "Shall Engrossed House Bill 2882 pass?"

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Hamilton, Hunt, Jeffries, Maroney, Nelson, Oliverio, Plymale, Queen, Smith, Swope, Takubo, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—22.

The nays were: Azinger, Grady, Karnes, Martin, Maynard, Phillips, Roberts, Rucker, Stover, Stuart, Tarr, and Taylor—12.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2882) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Swope, Takubo, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—25.

The nays were: Azinger, Martin, Maynard, Phillips, Smith, Stover, Stuart, Tarr, and Taylor—9.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2882) takes effect from passage.

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

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

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, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3055) passed with its title.

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

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 151, Levying tax on pass-through entity's income.

And,

Com. Sub. for Senate Bill 579, Providing payment to vendors who provided services to state.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Chapman and Woelfel.

At the request of Senator Phillips, unanimous consent being granted, the Senate returned to the eleventh order of business and the introduction of guests.

On motion of Senator Smith, the Senate reconsidered the vote by which in earlier proceedings today it passed

Eng. House Bill 2882, Making a supplemental appropriation to the Department of Economic Development.

The vote thereon having been reconsidered,

The question again being on the passage of the bill, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Hamilton, Hunt, Jeffries, Maroney, Nelson, Oliverio, Plymale, Queen, Swope, Takubo, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—21.

The nays were: Azinger, Grady, Karnes, Martin, Maynard, Phillips, Roberts, Rucker, Smith, Stover, Stuart, Tarr, and Taylor—13.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2882) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Nelson, Oliverio, Plymale, Queen, Rucker, Stover, Stuart, Swope, Takubo, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—25.

The nays were: Azinger, Karnes, Martin, Maynard, Phillips, Roberts, Smith, Tarr, and Taylor—9.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2882) takes effect from passage.

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

The Senate proceeded to the thirteenth order of business.

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 14, 2023:

Senate Bill 572: Senator Taylor.

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 14, 2023:

Senate Bill 191: Senator Hunt;

Senate Bill 230: Senators Chapman, Taylor, and Karnes;

Senate Bill 293: Senator Hamilton;

Senate Bill 303: Senator Hamilton;

Senate Bill 550: Senator Taylor;

Senate Bill 552: Senators Oliverio, Swope, Stuart, and Tarr;

Senate Bill 577: Senator Jeffries;

Senate Bill 578: Senator Oliverio;

Senate Bill 609: Senator Taylor;

Senate Bill 614: Senators Woelfel and Deeds;

Senate Bill 615: Senators Martin and Rucker;

Senate Bill 616: Senator Deeds;

Senate Bill 619: Senator Taylor;

Senate Bill 620: Senator Taylor;

Senate Bill 622: Senators Hamilton and Phillips;

Senate Bill 623: Senators Hamilton, Phillips, and Deeds;

Senate Bill 624: Senator Deeds;

Senate Bill 626: Senator Martin;

Senate Bill 629: Senator Phillips;

And,

Senate Bill 630: Senators Woelfel, Deeds, and Grady.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 1:53 p.m., the Senate adjourned until tomorrow, Thursday, February 16, 2023, at 11:15 a.m.

SENATE CALENDAR

**Thursday, February 16, 2023
11:15 AM**

UNFINISHED BUSINESS

- Com. Sub. for S. C. R. 3 - Dr. Roland P. Sharp Memorial Road
- Com. Sub. for S. C. R. 4 - US Navy S1 Ira "Noon" Copley and Marie Copley Memorial Bridge
- Com. Sub. for S. C. R. 6 - US Army SGT Vincent DiBacco Memorial Bridge
- S. C. R. 8 - US Army PV 2 Harold Richard Plumley Memorial Bridge
- S. R. 32 - Designating February 16, 2023, as WVSU Day at Legislature

SECOND READING

- Com. Sub. for S. B. 151 - Levying tax on pass-through entity's income
- Com. Sub. for S. B. 579 - Providing payment to vendors who provided services to state

FIRST READING

- Com. Sub. for S. B. 191 - Relating to liability for payment of court costs as condition of pretrial diversion agreement
- Com. Sub. for S. B. 293 - Increasing fees charged by sheriff (original similar to HB3466)
- Com. Sub. for S. B. 303 - Relating to Violent Crime Prevention Act
- Com. Sub. for S. B. 430 - Relating to State Treasurer's authority to contract with financial institutions for banking goods and services
- Com. Sub. for S. B. 455 - Modifying certain used car restrictions
- Com. Sub. for S. B. 526 - Including Alzheimer's disease in existing public health programs
- S. B. 559 - Relating to spousal privilege
- Com. Sub. for S. B. 568 - Relating to Dangerousness Assessment Advisory Board
- S. B. 580 - Authorizing election for special levy renewal
- S. B. 605 - Requiring state medical examiner to enter into contracts with procurement organization
- S. B. 609 - Obtaining approval for decommissioning or deconstructing of existing power plant - (Com. amend. pending)
- Eng. Com. Sub. for H. B. 2596 - To modify when a nonresident student's transfer may be denied - (Com. amends. and title amend. pending)
- Eng. Com. Sub. for H. B. 2845 - Relating to removing expired provisions from the code

Eng. Com. Sub. for H. B. 3164 - To extend the termination date of the West Virginia Advisory Council on Rare Diseases due to a delay in beginning its duties

Eng. H. B. 3272 - Relating to the operation of private trust companies in West Virginia

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2023

Thursday, February 16, 2023

9 a.m.	Education	(Room 451M)
9 a.m.	Government Organization	(Room 208W)
11 a.m.	Rules	(Room 219M)