

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Friday, February 17, 2023

The Senate met at 9:30 a.m.

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

Prayer was offered by the Honorable Charles S. Trump IV, a senator from the fifteenth district.

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

Pending the reading of the Journal of Thursday, February 16, 2023,

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

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

The Senate then proceeded to the third order of business.

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

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

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

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

Eng. Senate Bill 275—A Bill to amend and reenact §18-9F-10 of the Code of West Virginia, 1931, as amended, relating to adding State Fire Marshals to the list of persons who receive information related to school safety requirements.

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

Engrossed Senate Bill 275, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 275) passed with its House of Delegates amended title.

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

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

Eng. Com. Sub. for House Bill 2062—A Bill to amend and reenact §17C-1-70 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-11-8 of said code, all relating to modifying e-bike regulations to more closely comport to federal law; creating new definitions of e-bikes in West Virginia; permitting Class 2 e-bikes to use throttles; allowing Class 1 and Class 2 e-bikes to be operated on public lands to as to increase their usage and accessibility; and stating that users of e-bikes will not be given special privileges not otherwise given to similarly situated riders.

Referred to the Committee on Outdoor Recreation.

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 2515—A Bill to amend and reenact §9-3-1 and §9-3-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4; and to amend said code by adding thereto a new section, designated §21A-10-24, all relating to requiring certain agencies to work together to create an inventory of occupational and educational resources for certain persons qualified to receive assistance and to maintain and distribute that document; requiring that the Bureau for Family Assistance, the Higher Education Policy Commission, and Workforce West Virginia develop and maintain an inventory of available services and supports for individuals qualified to receive federal, federal-state, or state assistance and who wish to obtain a degree, secure workforce training, or reenter the workforce; requiring the Bureau for Family Assistance, the Higher Education Policy Commission, and Workforce West Virginia to maintain the document on their websites and to distribute the document via first-class mail upon request.

Referred to the Committee on the Workforce; and then 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 2587—A Bill to amend and reenact §11A-1-12 of the Code of West Virginia, 1931, as amended, relating to the accrual and collection of taxes; requiring the sheriff to provide a receipt for taxes collected; specifying payment information contained on the receipt; requiring the name of the sheriff and the officer receiving payment including their initials on the receipt.

Referred to the Committee on Government Organization.

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 2638—A Bill to amend and reenact §64-2-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Administration to promulgate legislative rules; authorizing the rules as filed and as amended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Administration to promulgate a legislative rule relating to purchasing; and authorizing the Department of Administration to promulgate a legislative rule relating to parking.

Referred to the Committee on the Judiciary.

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 2640—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules; authorizing the rules as filed, as modified, and as modified and amended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements for operating permits; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of ozone season nitrogen oxides emissions; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to quarrying and reclamation; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the Recycling Assistance Grant Program; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the Reclamation of Abandoned and Dilapidated Properties Grant Program; and authorizing the Secretary's Office of the Department of Environmental Protection to promulgate a legislative rule relating to reclamation of solar and wind electricity generation facilities.

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 2820—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to allowing participants in the Hope Scholarship Program, Microschools and Learning Pods access to athletics; prohibiting private school student

from participating in public school sport offered at private school; making private school students subject to member to member transfer protocols and Activities Commission waiver application process.

Referred to the Committee on School Choice.

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 3012—A Bill to amend and reenact §11-13A-3c of the Code of West Virginia, 1931, as amended, relating to the imposition of the tax on the privilege of severing other natural resources; providing for an exemption from the imposition of the severance tax for a period of 9 years beginning on July 1, 2023, for severing rare earth elements and critical minerals; and defining rare earth elements and critical minerals.

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 and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3130—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2N-1, §5B-2N-2, §5B-2N-3, §5B-2N-4, §5B-2N-5, and §5B-2N-6, all relating to creating the West Virginia Coalfields Energy Research and Economic Development Authority; establishing a declaration of purpose; establishing the exercise of powers shall benefit the citizens of the state and the Authority will perform essential government functions; exempting the Authority from taxation; providing for certain definitions; providing for the Authority's composition, terms of appointment, compensation of members, compensation of expenses and costs, and removal of members; providing for the Authority's powers and duties; mandating reporting; and providing confidentiality for certain information.

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 3190—A Bill to amend and reenact §61-3C-14b, §61-8A-1, and §61-14-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-8-32, all relating to crimes involving minors; amending the definition of minors; clarifying that certain law-enforcement personnel purporting to be a minor may be included in prosecuting certain crimes against minors; creating new criminal offenses and penalties for solicitation of a minor, or purported minor, and traveling to engage the minor, or purported minor, in specified illegal activity; and making technical corrections.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2023, and requested the concurrence of the Senate in the passage of

Eng. House Bill 3192—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-16-6; to amend and reenact §18C-3-4 of said

code; to repeal §30-7A-7a of said code; and to repeal §30-7B-1, §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5, §30-7B-6, and §30-7B-7 of said code, all relating to abolishing the center for nursing; repealing the supplemental licensure fee for licensed practical nurses, which funds the center for nursing; moving the functions of the center for nursing to the Higher Education Policy Commission; and clarifying that licensed nurses in a bridge program are eligible for the nursing scholarship from the beginning of their programs.

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 3218—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-40b; and to amend and reenact §18B-1B-7 of said code, all relating to student suicide prevention; requiring suicide prevention resources be printed on student identification cards for students in grades 6-12 in public schools that issue student identification cards; and requiring suicide prevention resources be printed on student identification cards for students in a public or private institution of higher education that issues student identification cards.

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 3286—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-6c, relating to an additional modification decreasing federal taxable income; providing for definitions; and providing for net liability under apportionment.

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 3293—A Bill to amend and reenact §18-20-10 of the Code of West Virginia 1931, as amended, relating generally to identifying and educating exceptional children exhibiting indicators or diagnosed with dyslexia or dyscalculia; and establishing requirements for the state educational agency and local educational agencies to identify and support students with dyslexia and dyscalculia indicators or diagnosis in the public school system.

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 3318—A Bill to amend and reenact §5B-2B-4 of the Code of West Virginia, 1931, as amended, relating to the Workforce Development Board developing policies that ensures a resident receives services from their local area.

Referred to the Committee on the Workforce.

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 3328—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-14-13, relating to allowing the Hatfield-McCoy Regional Recreation Authority to contract to build and maintain trails on private property with the consent of the property owner.

Referred to the Committee on Outdoor Recreation.

The Senate proceeded to the fourth order of business.

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

Your Committee on Government Organization has had under consideration

Senate Bill 39, Relating to assessment of real property.

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

Com. Sub. for Senate Bill 39 (originating in the Committee on Government Organization)—A Bill to amend and reenact §11-4-3 of the Code of West Virginia, 1931, as amended, relating to assessment of real property; providing that real property occupied by an immediate family member or former spouse of the owner exclusively for residential purposes be included in class two for assessment and taxation purposes; and further defining "immediate family member".

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. 39), under the original double committee reference, 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

Com. Sub. for Senate Bill 195 (originating in the Committee on Health and Human Resources), Ready-to-Use Glucagon Rescue Therapies for Schools Act.

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

Com. Sub. for Com. Sub. for Senate Bill 195 (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 §18-2L-1, §18-2L-2, §18-2L-3, and §18-2L-4, all relating to the creation of the Glucagon for Schools Act; defining terms; allowing prescription for undesignated glucagon in the

name of a school district or school; allowing school to maintain a supply of undesignated glucagon; allowing trained school personnel to administer undesignated glucagon if the student's prescribed glucagon is not available on-site or has expired; prohibiting licensed health professional with prescribing authority and pharmacist from being held responsible for harm due to the administration of undesignated glucagon in certain instances; declaring school personnel, the school district or school of employment, members of the governing school board, and the chief administrator are not liable in any criminal action or for civil damages as a result of administering undesignated glucagon in certain instances; requiring a school to call local emergency assistance and notify certain others immediately after the administration of undesignated glucagon; stating that each school should have an easily accessible glucometer on site; allowing all school personnel in schools that have students with diabetes to receive certain training; allowing designated school personnel to be trained to perform tasks necessary to assist a student with diabetes in accordance with his or her diabetes care plan; allowing school district to coordinate staff training; allowing school nurses, where available, or certain health care providers to provide technical assistance, consultation, or both to school personnel; and requiring an information sheet to be provided to any school employee who transports a student for school-sponsored activities.

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

Respectfully submitted,

Amy N. Grady,
Chair.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 273 (originating in the Committee on Health and Human Resources), Relating to allocation of child protective workers in counties based upon population of county.

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

Com. Sub. for Com. Sub. for Senate Bill 273 (originating in the Committee on Finance)—A Bill to amend and reenact §49-2-101, §49-2-102, and §49-2-809 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto three new articles, designated §49-10-101, §49-10-102, and §49-10-103; to amend said code by adding thereto a new article, designated §49-11-101, all relating to child welfare; continuing the Bureau for Social Services; authorizing the Bureau for Social Services to provide care for children in need of public service; providing the commissioner shall allocate child protective service workers in counties according to the average caseload per county and the county population based on the 2020 Census; requiring reporting to the Legislature of the allocation; requiring the department to have a redundancy system in the event of a centralized intake outage; setting forth requirements for data submission in the event a system exists; providing that the Bureau for Social Services shall develop a merit-based system for specified employees; providing the merit-based system shall be subject to the grievance process, except that there is no grievance available for the same classification description impacted by regional pay disparities; providing that for existing employees there is no grievance procedure for a regional pay disparity for the same job

classification; requiring reporting of statistical, systemic child welfare information; and providing for emergency and legislative rulemaking.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 297, Mountain Homes Act.

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

Respectfully submitted,

Eric J. Tarr,
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 429, Establishing statewide health and safety fee for tourism and recreational activities by county commissions.

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

Com. Sub. for Senate Bill 429 (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 §7-1-3uu, authorizing county commissions to impose a Health and Safety Fee of \$1 for tourism and recreational activities within the county; listing applicable activities and how fee to be calculated thereon; providing that fee may only collected once on any seasonal or annual pass purchased for activities to which fee is applicable; establishing that fee may not be collected or imposed on activities within municipalities that have levied an amusement tax; establishing who owes fee, collection, and remittance to county; authorizing counties to promulgate administrative procedures for collection of fee; providing that sheriff is county's agent for collection of fee; and establishing requirements for use of proceeds from fee.

And,

Senate Bill 539, Authorizing state and subdivisions to negotiate price for construction when all bids received exceed maximum budget.

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

Com. Sub. for Senate Bill 539 (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 §5-22-4, relating to providing state and its political subdivisions with ability and process by which to negotiate lower price for construction work when all bids received exceed the maximum budgeted amount; establishing ability to make negotiated award to lowest responsive and responsible bidder when there are multiple bidders; and setting sunset date.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Jack David Woodrum,
Chair.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 436 (originating in the Committee on Government Organization), Prompt Payment Act of 2023.

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

Com. Sub. for Com. Sub. for Senate Bill 436 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-10-1 and §12-10-2, all relating to prompt payment of legitimate, uncontested invoices by state agencies; providing that registered and qualified vendors shall be entitled to prompt payment upon presentation to a state agency of a legitimate, uncontested invoice; providing the rate of interest and manner of calculation; determining the date an invoice is considered received by a state agency; outlining rights of state agencies to receive updated invoices with interest prior to payment; requiring state agencies to explain and calculate interest on the payment claim at the time it is submitted to the State Auditor; providing the timeline in which state agencies shall process payments; providing the timeline in which state agencies shall process payments for other agencies; providing for the definition of a "state agency"; and providing for exceptions.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 523, Clarifying purpose and use of Economic Development Project Fund.

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

Com. Sub. for Senate Bill 523 (originating in the Committee on Finance)—A Bill to amend and reenact §31-15-23a of the Code of West Virginia, 1931, as amended, relating to funding for infrastructure and economic development; clarifying the purposes and use of the Economic Development Project Fund; providing that funds may be used solely for loans; providing for repayment of loans; providing a maximum of amount of the funds that may be used for financing high impact development projects; allowing for traditional loans; setting a maximum amount of funding for traditional loans; allowing for retention loans; setting a maximum amount of funding for retention loans; and providing for interest to be retained in the loan programs.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
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 553, Allowing for evaluation of prequalified bidders to be based on best value.

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

Respectfully submitted,

Jack David Woodrum,
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 577, Reducing copay cap on insulin and devices and permitting purchase of testing equipment without prescription.

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

Com. Sub. for Senate Bill 577 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §33-59-1 of the Code of West Virginia, 1931, as amended, relating to diabetes; reducing copayments; adding coverage for devices; and permitting testing equipment to be purchased without a prescription.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 608, Correcting list of items which are considered deadly weapons.

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

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 621, Requiring sheriff to serve child abuse and neglect petitions without additional compensation.

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

Com. Sub. for Senate Bill 621 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §49-4-601 of the Code of West Virginia, 1931, as amended, relating to service of parties in child abuse and neglect matters; requiring the sheriff to serve the abuse and neglect petition and notice of a preliminary hearing without compensation; clarifying the procedure for notices of subsequent hearings and service via publication; and exempting the sheriff from further obligations to provide service, mailings or publications after serving the petition and notice of preliminary hearing.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 630, Creating offense of knowingly and willfully obstructing social service worker.

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

Com. Sub. for Senate Bill 630 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new section, designated §61-5-17a, relating to creating the offense of knowingly and willfully obstructing a social service worker or home incarceration supervisor, acting in his or her official capacity thereby causing the

death of the social worker or home incarceration supervisor; defining social service worker; and establishing the criminal penalty therefor as life in prison with parole eligibility after service of 15 years.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 635, Updating language and increasing penalties for indecent exposure.

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

Com. Sub. for Senate Bill 635 (originating in the Committee on the Judiciary)—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.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,
Vice 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. House Bill 3141, Relating to the practice of dentistry.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

At the request of Senator Woodrum, as chair of the Committee on Government Organization, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Health and Human Resources.

The Senate proceeded to the sixth order of business.

The following bills were introduced and read by their titles:

By Senator Woelfel:

Senate Bill 666—A Bill to amend and reenact §61-2-12 of the Code of West Virginia, 1931, as amended, relating to the crime of robbery; establishing the maximum term of years that may be imposed as a penalty upon conviction; and creating consistency between the maximum sentences that may be imposed for the crimes of first-degree robbery and bank robbery.

Referred to the Committee on the Judiciary.

By Senator Grady:

Senate Bill 667—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, all relating to requiring the legislative auditor conduct periodic performance audits of the West Virginia Secondary Schools Athletic Commission.

Referred to the Committee on Education.

By Senator Grady:

Senate Bill 668—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5A-2b, relating to requiring a radiologist or mammography facility provide patient with certain information if their screening indicates heterogeneously or extreme dense breasts.

Referred to the Committee on Health and Human Resources.

By Senator Maroney:

Senate Bill 669—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-17, relating to creating a new criminal offense prohibiting public disclosure of restricted information.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 670—A Bill to amend and reenact §3-10-5 of the Code of West Virginia, 1931, as amended, relating to clarifying the responsibility of the Governor to fill a vacancy in the state Legislature; providing a process for the selection of three legally qualified persons to fill a vacancy in the office of state Senator or member of the House of Delegates; allowing for virtual candidate interviews where more than three candidates apply; clarifying the interview process; and providing that a party county chairman appoint a subcommittee to act as vacancy committee where a senate or delegate district is wholly within one county.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 671—A Bill to amend and reenact §17C-1-70 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-11-8 of said code, all relating to modifying e-bike regulations to more closely comport to federal law; creating new definitions of e-bikes in West

Virginia; permitting Class 2 e-bikes to use throttles; allowing Class 1 and Class 2 e-bikes to be operated on public lands to as to increase their usage and accessibility; and stating that users of e-bikes will not be given special privileges not otherwise given to similarly situated riders.

Referred to the Committee on Outdoor Recreation.

By Senator Phillips:

Senate Bill 672—A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new section, designated §9-5-31, relating to requiring parity with non-preferred oral branded antipsychotic agents.

Referred to the Committee on Health and Human Resources.

By Senators Boley, Clements, Maynard, Smith, Stover, Stuart, Tarr and Weld:

Senate Bill 673—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-32a, relating to providing voters with the ability to identify and verify their ballot cast in a statewide election held in West Virginia.

Referred to the Committee on the Judiciary.

By Senators Trump and Tarr:

Senate Bill 674—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, and §5-30-5, all relating to recognizing the creation of the West Virginia First Foundation pursuant to the terms of the West Virginia First Memorandum of Understanding; setting forth legislative findings; defining terms; specifying governing board membership; providing for appointment of an executive director of the governing board and setting forth qualifications; providing for audit and review of the foundation; and requiring local governments, regions, and the foundation to prepare annual reports.

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

By Senators Rucker, Grady, Chapman, Barrett, Boley, Caputo, Clements, Deeds, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel and Woodrum:

Senate Bill 675—A Bill to amend and reenact §7-4-6 the Code of West Virginia, 1931, as amended; to amend and reenact §15-9B-1 of said code; and to amend and reenact §61-8B-16 of said code, all relating to the reimbursement of sexual assault forensic medical examinations.

Referred to the Committee on Finance.

By Senator Maroney:

Senate Bill 676—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-16b, relating to requiring a report on Medicaid fees for service and managed care provider reimbursements compared to PEIA, Medicare, and surrounding states.

Referred to the Committee on Health and Human Resources.

By Senator Swope:

Senate Bill 677—A Bill to amend and reenact §15-5-2 of the Code of West Virginia, 1931, as amended; to repeal §15-5-4, §15-5-4b, §15-5-4c, §15-5-24, §15-5-25, §15-5-26, and §15-5-27 of

said code; to amend and reenact §29-31-1 and §29-31-2; to amend said code by adding thereto a new section, designated §29-31-2a; to amend and reenact §29-31-3 of said code; and to amend said code by adding thereto new sections, designated §29-31-6, §29-31-7, §29-31-8, §29-31-9, §29-31-10, §29-31-11, §29-31-12, §29-31-13, §29-31-14, and §29-31-15, all relating to the West Virginia Disaster Recovery Trust Fund and clarification of roles and responsibilities of the State Resiliency Officer; requiring the State Resiliency Officer to submit a new Flood Resiliency Plan by a date certain and then biannually thereafter; directing the State Resiliency Officer to hire additional staff; removing the West Virginia Disaster Recovery Trust Fund from the jurisdiction of the Division of Homeland Security and Emergency Management; providing initial capital for the State Resiliency Office; allowing for disbursement of post-disaster recovery assistance; requiring that 50 percent of disbursements be expended to benefit low-income communities; requiring resiliency and mitigation certifications prior to disbursement to political subdivisions; requiring the State Resiliency Officer to develop an annual expenditure report; establishing the West Virginia Resiliency Trust Fund within the State Resiliency and Flood Protection Act; requiring 50 percent of disbursements be expended to implement nature-based solutions; allowing for grants to political subdivisions for both Flood Resiliency Plan implementation and local flood prevention and protection studies; and requiring 25 percent of Community Development Block Grant Disaster Recovery Funds received by the state as a result of a flood disaster to be deposited in the Flood Resiliency Trust Fund.

Referred to the Committee on Economic Development, then the Committee on Finance.

By Senator Trump:

Senate Bill 678—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2023, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

Senators Phillips, Rucker, Stuart, and Taylor offered the following resolution:

Senate Concurrent Resolution 16—Requesting the Division of Highways name bridge number 23-005/00-004.52 (23A383), (37.85814, -82.07508), locally known as North Shegon Bridge, carrying CR 05 over Mud Fork in Logan County, the "U. S. Army 1SG James Arnold Browning Memorial Bridge".

Which, under the rules, lies over one day.

Senator Phillips offered the following resolution:

Senate Concurrent Resolution 17—Requesting the Division of Highways name bridge number 23-007/00-000.78 (23A370), (37.9747, -81.98155), locally known as New Garrett Fork Box Beam, carrying CR 07 over GARRETT FORK in Logan County, the "U. S. Navy HT2 Phillip Joseph 'P.J.' Hainer Memorial Bridge".

Which, under the rules, lies over one day.

Senator Weld offered the following resolution:

Senate Resolution 35—Recognizing The Society of the Honor Guard, Tomb of the Unknown Soldier.

Which, under the rules, lies over one day.

Senator Hamilton offered the following resolution:

Senate Resolution 36—Designating February 20, 2023, as Pancreatic Cancer Awareness Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 12, Oakey Tolliver Memorial Bridge.

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

Senate Concurrent Resolution 13, Wyant Brothers Memorial Road.

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

Senate Concurrent Resolution 14, Supporting Medal of Valor nominees recommended by First Responders Honor Board.

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

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

The question being on the adoption of the resolution, and on this question, Senator Takubo demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. C. R. 14) adopted.

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

Senate Concurrent Resolution 15, Permitting Department of Tourism to procure bids for lodge on Beech Fork Lake.

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

Senate Resolution 34, Recognizing February 17, 2023, as Adventure Travel Day at Legislature.

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

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

House Concurrent Resolution 13, Make 2nd week of February of every year a week of recognition of the Boy Scouts of America.

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

The question being on the adoption of the resolution, the same was put and prevailed.

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

The Senate proceeded to the eighth order of business.

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

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 151) passed with its title.

Senator Takubo 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, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 151) 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. Senate Bill 452, Relating to Emergency Medical Services Retirement System.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 452) 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 453, Ensuring retirement contributions and delinquency charges of charter school employees be paid upon school closure or by successor.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 453) 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 458, Setting rate of interest on delinquent retirement contribution submissions.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 458) 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 474, Requiring municipal pensions oversight board to propose legislative rules.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 474) 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 579, Providing payment to vendors who provided services to state.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 579) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio,

Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 579) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

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

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 293, Increasing fees charged by sheriff.

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 303, Relating to Violent Crime Prevention Act.

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

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 455, Modifying certain used car restrictions.

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

Senate Bill 559, Relating to spousal privilege.

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 568, Relating to Dangerousness Assessment Advisory Board.

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

Senate Bill 580, Authorizing election for special levy renewal.

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

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

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

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

Senate Bill 609, Obtaining approval for decommissioning or deconstructing of existing power plant.

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

At the request of Senator Smith, as chair of the Committee on Energy, Industry, and Mining, and by unanimous consent, the unreported Energy, Industry, and Mining committee amendment to the bill was withdrawn.

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

On page 1, section 5c, lines 11 and 12, by striking out all of subsection (c) and inserting in lieu thereof a new subsection (c), to read as follows:

(c) The authority shall propose rules for legislative approval and promulgate emergency rules in accordance with the provisions of §29A-3-1 et seq. of this code to implement this section, including exempting power plants that have been non-producing for at least five years prior to the effective date of this section.

The bill (S. B. 609), as amended, was then ordered to engrossment and third reading.

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

Engrossed Senate Bill 609 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson,

Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 609) passed.

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

Eng. Senate Bill 609—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5D-1-5c, relating to the approval of decommissioning or deconstructing an existing power plant; providing for rule-making authority; and exempting certain power plants from approval requirement.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 609) takes effect from passage.

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

Eng. Com. Sub. for House Bill 2596, To modify when a nonresident student's transfer may be denied.

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

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

On page 2, section 16, line 26, by striking out all of subdivision (1) and renumbering the remaining subdivisions;

And,

On page 4, section 16, lines 82 through 90, by striking out all of subdivision (4) and inserting in lieu thereof a new subdivision (4), to read as follows:

(4) An application may only be denied by a county board of education due to lack of grade level capacity, lack of programs or services due to areas identified in the county board critical need policy, or the commission of Level 3 or Level 4 inappropriate behavior as defined by West Virginia Board of Education Policy 4373 in the last year. The denial shall be in writing, sent to the parent or guardian of the nonresident student and the West Virginia Department of Education within three business days of the decision, and include the reason and explanation for the denial and information on appealing the denial of the application. If a nonresident student fails to fill out or submit an open enrollment application correctly, a county board shall provide an explanation of ways in which the application may be corrected and submitted for necessary approval.

The bill (Eng. Com. Sub. for H. B. 2596), as amended, was then ordered to third reading.

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

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

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.

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

Eng. House Bill 3272, Relating to the operation of private trust companies in West Virginia.

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

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

The Senate proceeded to the tenth order of business.

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

Senate Bill 488, Aligning state and federal accreditation rules.

Com. Sub. for Com. Sub. for Senate Bill 543, Authorizing rule-making changes to terms, procedures and reporting duties in higher education.

Com. Sub. for Senate Bill 548, Clarifying what parties can redeem delinquent property and limiting those entitled to bid.

Senate Bill 591, Allowing counties and municipalities to jointly undertake development projects.

Com. Sub. for Senate Bill 596, Modifying payment for housing and maintenance of inmates.

Com. Sub. for Senate Bill 601, Providing that WV Secondary School Activities Commission promulgate legislative rules.

Com. Sub. for Senate Bill 602, Enabling WVSU and Bluefield State University to offer associate degrees.

And,

Senate Bill 629, Establishing auto-renewal program for wildlife licenses.

Following a point of inquiry to the President, with resultant response thereto,

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Swope.

(Senator Tarr in the Chair.)

Remarks were made by Senators Jeffries, Blair (Mr. President), and Stuart.

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

Remarks were made by Senators Phillips and Oliverio.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Swope, Jeffries, and Blair (Mr. President) were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Senator Blair (Mr. President) announced the replacement of Senator Swope as Chair of the Committee on Economic Development with Senator Jeffries.

The following communication was reported by the Clerk:



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

STEPHEN J. HARRISON
CLERK OF THE HOUSE

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

February 16, 2023

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

Dear Governor Justice,

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

H. B. 2602, Reestablishing certain specialized school service personnel classifications.

This bill is presented to you on this day, February 16, 2023.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Steve Harrison".

Stephen J. Harrison
Clerk of the House of Delegates

C: The Honorable Lee Cassis
Clerk of the Senate

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 16, 2023:

Com. Sub. for Senate Bill 273: Senator Deeds;

Com. Sub. for Senate Bill 436: Senator Barrett;

Senate Bill 520: Senator Oliverio;

Senate Bill 530: Senator Nelson;

Senate Bill 570: Senator Nelson;

Senate Bill 576: Senator Taylor;

Senate Bill 577: Senators Chapman, Barrett, Roberts, Hunt, and Taylor;

Senate Bill 596: Senator Plymale;

Senate Bill 600: Senator Taylor;

Senate Bill 601: Senator Taylor;

Senate Bill 602: Senator Nelson;

Senate Bill 621: Senator Deeds;

Senate Bill 630: Senator Hamilton;

Senate Bill 633: Senator Caputo;

Senate Bill 635: Senator Phillips;

Senate Bill 654: Senator Woelfel;

Senate Bill 658: Senator Swope;

Senate Bill 659: Senators Woelfel and Deeds;

Senate Bill 660: Senators Woelfel and Deeds;

Senate Bill 662: Senator Deeds;

Senate Concurrent Resolution 12: Senator Roberts;

Senate Concurrent Resolution 14: Senator Plymale;

Senate Concurrent Resolution 15: Senator Woelfel;

And,

Senate Resolution 34: Senator Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 10:38 a.m., the Senate adjourned until Monday, February 20, 2023, at 11 a.m.

SENATE CALENDAR

**Monday, February 20, 2023
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 16 - US Army 1SG James Arnold Browning Memorial Bridge
- S. C. R. 17 - US Navy HT2 Phillip Joseph "PJ" Hainer Memorial Bridge
- S. R. 35 - Recognizing Society of Honor Guard, Tomb of Unknown Soldier
- S. R. 36 - Designating February 20, 2023, as Pancreatic Cancer Awareness Day at Legislature

THIRD READING

- Eng. Com. Sub. for S. B. 191 - Relating to liability for payment of court costs as condition of pretrial diversion agreement
- Eng. Com. Sub. for S. B. 293 - Increasing fees charged by sheriff (original similar to HB3466)
- Eng. Com. Sub. for S. B. 303 - Relating to Violent Crime Prevention Act
- Eng. Com. Sub. for S. B. 430 - Relating to State Treasurer's authority to contract with financial institutions for banking goods and services
- Eng. Com. Sub. for S. B. 455 - Modifying certain used car restrictions
- Eng. S. B. 559 - Relating to spousal privilege
- Eng. Com. Sub. for S. B. 568 - Relating to Dangerousness Assessment Advisory Board
- Eng. S. B. 605 - Requiring state medical examiner to enter into contracts with procurement organization
- Eng. Com. Sub. for H. B. 2596 - To modify when a nonresident student's transfer may be denied - (Com. 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 - (With right to amend)

SECOND READING

- S. B. 488 - Aligning state and federal accreditation rules
- Com. Sub. for Com. Sub. for S. B. 543 - Authorizing rule-making changes to terms, procedures and reporting duties in higher education

Com. Sub. for S. B. 548 - Clarifying what parties can redeem delinquent property and limiting those entitled to bid

S. B. 580 - Authorizing election for special levy renewal

S. B. 591 - Allowing counties and municipalities to jointly undertake development projects

Com. Sub. for S. B. 596 - Modifying payment for housing and maintenance of inmates

Com. Sub. for S. B. 601 - Providing that WV Secondary School Activities Commission promulgate legislative rules

Com. Sub. for S. B. 602 - Enabling WVSU and Bluefield State University to offer associate degrees

S. B. 629 - Establishing auto-renewal program for wildlife licenses

FIRST READING

Com. Sub. for Com. Sub. for S. B. 195 - Glucagon for Schools Act

Com. Sub. for Com. Sub. for S. B. 273 - Relating to allocation of child protective workers in counties based upon population of county

Com. Sub. for S. B. 297 - Mountain Homes Act

Com. Sub. for S. B. 429 - Establishing statewide health and safety fee for tourism and recreational activities by county commissions

Com. Sub. for Com. Sub. for S. B. 436 - Prompt Payment Act of 2023

Com. Sub. for S. B. 523 - Clarifying purpose and use of Economic Development Project Fund

Com. Sub. for S. B. 539 - Authorizing state and subdivisions to negotiate price for construction when all bids received exceed maximum budget

S. B. 553 - Allowing for evaluation of prequalified bidders to be based on best value

Com. Sub. for S. B. 577 - Reducing copay cap on insulin and devices and permitting purchase of testing equipment without prescription

S. B. 608 - Correcting list of items which are considered deadly weapons

Com. Sub. for S. B. 621 - Requiring sheriff to serve child abuse and neglect petitions without additional compensation

Com. Sub. for S. B. 630 - Creating offense of knowingly and willfully obstructing social service worker

Com. Sub. for S. B. 635 - Updating language and increasing penalties for indecent exposure

S. B. 674 - Providing statutory recognition and appointment of board members for WV First Foundation

Eng. H. B. 3141 - Relating to the practice of dentistry - (Com. amend. pending)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2023

Monday, February 20, 2023

1 p.m.

Military

(Room 208W)