

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

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

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Charleston, West Virginia, Monday, February 20, 2023

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Deborah Thomas, Nondenominational Fellowship Pentecostal Ministries, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Jay Taylor, a senator from the fourteenth district.

Pending the reading of the Journal of Friday, February 17, 2023,

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

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

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

Governor's Committee on Crime, Delinquency, and Correction (Sentencing Commission Recommendations) (§15-9C-5)

The Senate proceeded to the third order of business.

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

**Eng. Com. Sub. for Senate Bill 243**, Requiring substance use disorder inpatient providers to provide transportation to patients.

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

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

On page 1, section 4, line 4, by striking out the period and inserting a colon and the following: Provided, That if the patient's transportation is being provided under the West Virginia Medicaid non-emergency medical transportation benefit, the patient may not be transported to an out of the state location greater than 30 miles past the West Virginia border.

On motion of Senator Maroney, the following amendments to the House of Delegates amendment to the bill (Eng. Com. Sub. for S. B. 243) were reported by the Clerk, considered simultaneously, and adopted:

On page 1, line 4, by changing the colon to a period and striking out the words "*Provided, That if the patient's transportation is being provided under the West Virginia Medicaid non-emergency medical transportation benefit, the patient may not be transported to an out of the state location greater than 30 miles past the West Virginia border.*" and adding in lieu thereof the words "The provider is solely responsible for the patient's out-of-state transportation costs and shall pay all of transportation costs associated with returning the patient to their out-of-state location.";

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill 243**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-53-4, relating to residential substance use disorder service facility providers; requiring providers to offer transportation to their patients upon discharging those patients; and requiring the provider to pay all transportation costs associated with returning the patient to their out-of-state location.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment, as amended.

Engrossed Committee Substitute for Senate Bill 243, as amended, 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, 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 elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 243) passed with its Senate amended title.

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

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 2006**—A Bill to amend and reenact §5F-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 and §5F-2-2 of said code; to amend said code by adding thereto a new section designated §5F-2-1a; to repeal §9-1-1 of said code; to amend and reenact §9-1-2 of said code; to amend and reenact §9-2-1 of said code; to repeal §9-2-1a of said code; to amend and reenact §9-2-2, §9-2-5 and §9-2-6, of said code; to repeal §9-2-9 of said code; to amend and reenact §9-2-9a of said code; to repeal §9-2-13 of said code; to repeal §9-5-8, §9-5-8a and §9-5-8b of said code; to amend and reenact §16-1-1, §16-1-2, §16-1-3, §16-1-5 and §16-1-6 of said code; to amend said code by adding thereto new sections designated, §16-1-22, §16-1-22a, §16-1-22b and §16-1-22c of said code; to amend and reenact §16-29A-4 of said code; to amend and reenact §26-1-1, §26-1-2 and §26-1-3 of said code; to amend said code by adding thereto a new section, designated §26-1-4 of said code; to repeal §26-3-1, §26-3-2, §26-3-3, §26-3-4 and §26-3-5 of said code; to repeal §26-5-1 of said code; to repeal §26-5A-5a of said code; to repeal §26-8-1, §26-8-2 and §26-8-3 of said code; to repeal §26-9-1 and §26-9-2 of said code; to repeal §26-10-1 of said code; to repeal §26-11-1, §26-11-2, §26-11-3 and §26-11-4 of said code; to amend and reenact §48-14-401 of said code; to amend and reenact §48-18-101 of said code; and to amend and reenact §49-1-106 of said code, all relating to reorganizing the Department of Health and Human Resources; creating new agencies; creating new secretaries; setting forth qualifications for secretaries; setting forth salaries; setting forth an organizational structure; providing legislative intent; codifying the Office of Shared Administration; setting forth powers of agencies; requiring coordination and cooperating between agencies; rearranging the code to reflect the reorganization of the departments; defining terms; set forth the qualifications of the inspector general; providing the Office of the Inspector General is an independent agency within the department; exempting the Department of Health Facilities from certain laws; removing specific health facilities from the code; requiring reporting; and providing internal effective dates.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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 2896**—A Bill to repeal §16-27-1, §16-27-2, §16-27-3, and §16-27-4 of the Code of West Virginia, 1931, as amended; to repeal §16-34-1, §16-34-2, §16-34-3, §16-34-4, §16-34-5, §16-34-6, §16-34-7, §16-34-8, §16-34-9, §16-34-10, §16-34-11, §16-34-12, §16-34-13, and §16-34-14 of said code; to amend and reenact §18-9E-3 of said code; to amend said code by adding thereto a new article, designated §22-34-1, §22-34-2, §22-34-3, §22-34-4, §22-34-5, §22-34-6, §22-34-7, §22-34-8, §22-34-9, §22-34-10, §22-34-11, §22-34-12, §22-34-13, §22-34-14, §22-34-15, §22-34-16, §22-34-17, §22-34-18, §22-34-19, §22-34-20, and §22-34-21; to amend said code by adding thereto a new article, designated §22-35-1, §22-35-2, §22-35-3, §22-35-4, §22-35-5, §22-35-6, §22-35-7, §22-35-8, §22-35-9, §22-35-10, §22-35-11, §22-35-12, §22-35-13 and §22-35-14; and to amend and reenact §29-1H-3 and §29-1H-5 of said code, all relating to making West Virginia an agreement state with the United States Nuclear Regulatory Commission and transferring authority and responsibility for sources of radiation from other state agencies to the Department of Environmental Protection; establishing a comprehensive regulatory system for the control of sources of radiation for the protection of the public and the environment; creating the Radiation Control Act; providing for declaration of policy and purpose; providing for certain definitions; providing for exemptions; creating the Radiation Advisory Board; providing for the Board's composition, authorities, duties, and for the compensation of members; providing that the Department of Environmental Protection is be designated as the state radiation

control agency; providing for the Department's duties, authorities, and requirements for consistency with federal law and regulations; providing for comprehensive programs and procedures to control radiation through general and specific licensing of radioactive materials and equipment; establishing rule making authority under the Department concerning radiation control; establishing licensing and registration requirements and procedures; establishing fee schedules, funding sources, and forms; transferring existing rules, licenses, policies, agreements, grants, and funding to the Department from other agencies; establishing procedures and requirements regarding perpetual custody of radioactive materials and sureties; providing for the Department to acquire needed real estate interests; providing for a comprehensive program to regulate Radon, and its screening, testing, and mitigation; providing for the regulation of X-ray machines, and providing for reports, fees, and qualifications of such inspectors; creating the Radiation Site Closure and Reclamation Fund with requirements and funding sources; creating the Radiation Licensure and Inspection Fund with requirements and funding sources; allowing for impounding sources of ionizing radiation; providing authority for the Governor and the Department to enter into agreements with the federal government, other states, or interstate agencies; defining effects on local ordinances; providing for administrative procedure and judicial review; defining enforcement procedures regarding violations of law; establishing civil penalties; establishing felonies with criminal penalties; providing for the licensure of radon mitigators, testers, contractors, and laboratories; providing for legislative findings; requiring radon licenses and providing requirements and exemptions; providing for record keeping, rulemaking, and confidentiality; transferring a special revenue fund and other funds to the Department; providing for suspension or revocation of licenses for programs concerning radon and other radioactive materials; continuing an existing misdemeanor with criminal penalties; and providing that the Secretary of the Department of Environmental Protection shall assume responsibilities under the Appalachian States Low-Level Radioactive Waste Compact.

Referred to the Committee on Economic Development.

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 3168**—A Bill to amend and reenact §5B-2E-3, §5B-2E-5, §5B-2E-6, §5B-2E-7 and §5B-2E-7a of the Code of West Virginia, 1931, as amended; all relating to amending and modernizing the Tourism Development Act; modifying definition of approved costs; allowing eligible company to operate or intend to operate directly or indirectly through a management company; modifying definition of tourism attraction; modifying definitions of tourism development project and tourism development expansion project; providing discretion regarding subjective criteria; modifying project requirements relating to production of revenues; providing for application of effective date; modifying terms and provisions of agreements between Department of Economic Development and approved company; providing additional conditions under which allowable credit is increased; providing a mechanism by which a project may amend the date by which it is to be complete; extending availability of enhanced credits; extending enhanced credit to projects involving historic structures; authorizing an additional fifteen-year term for companies to continue taking authorized and outstanding tax credits; removing provisions for carry forward, carry back and forfeiture of credits; providing for elections to not use credit; and updating references to "department" and its secretary.

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

**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 17, 2023

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

Dear Mr. Clerk:

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

Senate Bill No. Four (4), which was presented to me on February 13, 2023.

Senate Bill No. Two Hundred Forty-One (241), which was presented to me on February 13, 2023.

You will note that I have approved these bills on February 17, 2023.

Sincerely,

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

Jim Justice  
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk



*Jim Justice*  
*Governor of West Virginia*  
February 17, 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, is the following bill:

House Bill No. Two Thousand Eight Hundred Thirty-Five (2835), which was presented to me on February 13, 2023.

You will note that I have approved this bill on February 17, 2023.

Sincerely,

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

Jim Justice  
Governor

JJ/mh

cc: The Honorable Lee Cassis

The Senate proceeded to the fourth order of business.

Senator Roberts, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

**Senate Bill 597**, Allowing Workforce WV to hire classified service exempt employees.

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

Respectfully submitted,

Rollan A. Roberts,  
*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 620**, Increasing maximum number of registered voters per precinct and distance between polling places.

And,

**Senate Bill 641**, Clarifying when magistrate vacancies shall be filled.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 631**, Updating administration, funding, and requirements for federal elections held in WV.

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

**Com. Sub. for Senate Bill 631** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-1-48 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-2-6 and §3-2-18 of said code; all relating to elections in general, and specifically to the expenditure 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; and changing the deadline by which county clerks must report voter participation history after an election into the statewide voter registration system.

And,

**Senate Bill 644**, Updating contested elections procedures.

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

**Com. Sub. for Senate Bill 644** (originating in the Committee on the Judiciary)—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; 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 rule-making authority to the Supreme Court of Appeals regarding election contests before circuit courts.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Roberts, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

**Senate Bill 661**, Clarifying preferential recall rights for employees sustaining compensable injury.

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

**Com. Sub. for Senate Bill 661** (originating in the Committee on the Workforce)—A Bill to amend and reenact §23-5A-3 of the Code of West Virginia, 1931, as amended, relating to the clarification of preferential recall rights for employees sustaining a compensable injury; providing for a preferential recall time period of 30 days from the date the employee is released to return to his or her regular employment or 30 days from the date of the employee's demand for reinstatement, whichever time period is shorter; and providing that it is the obligation of the employee to continually seek employment during the employee's preferential recall time period.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Rollan A. Roberts,  
*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 Concurrent Resolution 18** (originating in the Committee on Health and Human Resources)—Requesting the Joint Committee on Government and Finance to study increasing the availability of prescription nonopioid medications.

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

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 Tarr:**

**Senate Bill 679**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §27-9-2, relating to forensic group homes; requiring the Office of Inspector General to propose rules regulating a forensic group homes location; and providing for variance for existing providers.

Referred to the Committee on Health and Human Resources.

**By Senator Deeds:**

**Senate Bill 680**—A Bill to amend and reenact §15-2-33 and of the Code of West Virginia, 1931, as amended, relating to changing the awards and benefits to dependents of dependents of State Police officers who must take disability retirement to better match the awards and benefits of the dependents of State Police retirants who serve 20 years without disability retirement.

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

**By Senator Deeds:**

**Senate Bill 681**—A Bill to amend and reenact §49-4-728, §49-4-729, §49-4-733, and §49-4-734 of the Code of West Virginia, 1931, as amended, all relating to clarifying that the juvenile competency determination process extends to status offenders.

Referred to the Committee on the Judiciary.

**By Senator Taylor:**

**Senate Bill 682**—A Bill to amend and reenact §3-1-29 and §3-1-31 of the Code of West Virginia, 1931, as amended, relating to requiring municipal elections to be held on the same day as statewide elections.

Referred to the Committee on the Judiciary.

**By Senator Taylor:**

**Senate Bill 683**—A Bill to amend and reenact §18-9D-1, §18-9D-2, §18-9D-3, §18-9D-4, §18-9D-4a, §18-9D-4b, §18-9D-4c, §18-9D-4d, §18-9D-6, §18-9D-7, §18-9D-8, §18-9D-9, §18-9D-10,

§18-9D-12, §18-9D-13, §18-9D-14, §18-9D-15, §18-9D-16, §18-9D-17, §18-9D-20, and §18-9D-21 of the Code of West Virginia, 1931, as amended; and to repeal §18-9D-5 of said code, all relating to changing the name of the School Building Authority to the School Maintenance Authority.

Referred to the Committee on Education.

**By Senator Grady:**

**Senate Bill 684**—A Bill to amend and reenact §30-7-5 of the Code of West Virginia, 1931, as amended, relating to schools of nursing achieving board approval and maintaining nursing board standards and accreditation.

Referred to the Committee on Health and Human Resources.

**By Senator Smith:**

**Senate Bill 685**—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 by clarifying the definition of employee; removing occupational pneumoconiosis as a covered injury pursuant to this section; 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 on fees and costs recoverable by attorney for the claimant or dependent.

Referred to the Committee on the Judiciary.

**By Senator Plymale:**

**Senate Bill 686**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-66-1, §16-66-2, §16-66-3, §16-66-4, §16-66-5, and §16-66-6, all relating to creating the Youth Mental Health Protection Act; setting forth legislative findings; setting forth a purpose; defining terms; providing for a prohibition on conversion therapy; setting forth a prohibition for referral services for conversion therapy; and providing for disciplinary actions against providers who violate the article.

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

**By Senator Azinger:**

**Senate Bill 687**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-50, relating to requiring law enforcement agencies and child protective services to report certain allegations regarding school employees to county school personnel.

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

**By Senators Chapman and Hunt:**

**Senate Bill 688**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-50, relating to allowing county boards of education to contract with retired teachers to provide tutoring services in reading and math to support the need of one-on-one intervention for students; stating purpose; authorizing county to enter a contract

with retired teacher; defining terms; providing tutor eligibility requirements; providing exclusions from eligibility; setting forth liability; and providing miscellaneous provisions regarding program.

Referred to the Committee on Education.

**By Senator Maynard:**

**Senate Bill 689**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-43, relating to establishing Class WV resident and Class WV nonresident, wildlife view stamps; and authorizing the Department of Natural Resources to propose legislative rules for the cost of the stamps and the appropriate uses thereof.

Referred to the Committee on Agriculture and Natural Resources.

**By Senator Maynard:**

**Senate Bill 690**—A Bill to amend and reenact §5B-2-3b of the Code of West Virginia, 1931, as amended, relating to the Economic Development Promotion and Closing Fund; and providing a one-time allocation of \$100,000 to the West Virginia Motorsports Committee to be used for travel expenses and promotion of West Virginia motorsports, subject to availability of funds.

Referred to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 691**—A Bill to amend and reenact §15-1B-24 of the Code of West Virginia, 1931, as amended, relating to using Department of Health and Human Resources group home funds to assist cadets enrollment at the Mountaineer Challenge Academy.

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

**By Senators Maynard and Taylor:**

**Senate Bill 692**—A Bill to amend the Code of West Virginia, as amended, by adding thereto a new article, designated §16-66-1, §16-66-2, §16-66-3, §16-66-4, and §16-66-5, all relating to gender reassignment medical services for minors; making findings and declarations; defining sex; establishing prohibited treatment for minors; providing exceptions; creating responsibilities for school personnel; and establishing consequences for violations of article.

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

**By Senator Maynard:**

**Senate Bill 693**—A Bill to amend and reenact §15-1B-24 of the Code of West Virginia, 1931, as amended, relating to the Mountaineer Challenge Academy; and permitting cadets to enroll in accredited virtual instructional courses online or to attend accredited courses, in person, in order to obtain a West Virginia Education Information System Number (WVEIS#), from the state board of education.

Referred to the Committee on Education.

**By Senator Takubo:**

**Senate Bill 694**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-30, relating to providing a Supplemental Medicaid Reimbursement for Academic Medical Center Acute Care Providers.

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

**By Senators Hunt, Chapman, Clements, Deeds, Karnes, and Stuart:**

**Senate Bill 695**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-11-3, relating to performing orchiectomies on certain sex offenders; amending a section of code by changing the penalty associated with sexual assault in the first degree when the victim is a minor to life imprisonment, and that would allow the person convicted of sexual assault in the first degree the opportunity to receive an orchiectomy.

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

**By Senators Plymale and Caputo:**

**Senate Bill 696**—A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining "sexual orientation" and "gender identity".

Referred to the Committee on the Judiciary.

**By Senators Azinger, Maynard, Smith, and Taylor:**

**Senate Bill 697**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2S-1, §16-2S-2, §16-2S-3, §16-2S-4, §16-2S-5, §16-2S-6, §16-2S-7, and §16-2S-8, all relating to prohibiting gender transition surgeries, treatments, and therapies to minors; establishing penalties for practitioners in violation of regulations; safeguarding the mental and physical health of minors; prohibiting political subdivisions from enacting conflicting policies; creating whistleblower protection; prohibiting taxpayer subsidization of gender transition treatments.

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

**By Senator Takubo:**

**Senate Bill 698**—A Bill to amend and reenact §5B-1-10 of the Code of West Virginia, 1931, as amended; to amend and reenact §5B-2E-7b of said code; to amend and reenact §9-4B-1 and §9-4B-2 of said code; to amend and reenact §16-3C-2 of said code; to amend and reenact §16-4F-1 of said code; to amend and reenact §16-5-19 of said code; to amend and reenact §16-5H-2 and §16-5H-4 of said code; to amend and reenact §16-5Y-5 of said code; to amend and reenact §16-5BB-1 of said code; to amend and reenact §16-5DD-1 of said code; to amend and reenact §16-15-19 of said code; to amend and reenact §16-19-3 and §16-19-14 of said code; to amend and reenact §16-30-3 and §16-30-25 of said code; to amend and reenact §16-39-3 of said code; to amend and reenact §16-46-2 of said code; to amend and reenact §16-54-1 of said code; to amend and reenact §16-57-3 of said code; to amend and reenact §18-5-22b of said code; to amend and reenact §18B-16-3 of said code; to amend and reenact §18C-3-3 of said code; to amend and reenact §20-2-46e of said code; to amend and reenact §27-5-2, §27-5-3, and §27-5-4 of said code; to amend and reenact §29-5A-1 of said code; to amend and reenact §29-29-3 of said code; to amend and reenact §29-30-2 of said code; to amend and reenact §30-1-7a of said code; to amend and reenact §30-3-2, §30-3-5, §30-3-7, §30-3-9, §30-3-11c, and §30-3-15 of said code; to amend and reenact §30-3D-1, §30-3D-2, and §30-3D-3 of said code; to amend and reenact §30-3E-1, §30-3E-2, §30-3E-3, §30-3E-4, §30-3E-7, §30-3E-9, §30-3E-10a, §30-3E-11,

§30-3E-12, §30-3E-12a, §30-3E-13, §30-3E-14, §30-3E-15, §30-3E-16, §30-3E-17, §30-3E-18, and §30-3E-19 of said code; to amend and reenact §30-14-3, §30-14-9a, §30-14-11a, and §30-14-14 of said code; to amend and reenact §30-36-10 of said code; to amend and reenact §33-15-14 of said code; to amend and reenact §33-42-3 of said code; to amend and reenact §55-7B-2 of said code; to amend and reenact §60A-9-5 of said code; to amend and reenact §60B-1-1 of said code; to amend and reenact §61-2-10b of said code; to amend and reenact §61-12-7 of said code; to amend and reenact §64-9-11, §64-9-13, and §64-9-14 of said code; all relating to changing the title "physician assistant" to "physician associate"; changing all physician assistant references to physician associate; correcting physician relationship from supervisory to collaborative to conform with code; and defining physician associate to be synonymous with physician assistant or any other proper title designated by the American Academy of Physician Associates.

Referred to the Committee on Health and Human Resources.

**By Senator Maynard:**

**Senate Bill 699**—A Bill to amend and reenact §5B-2-3b of the Code of West Virginia, 1931, as amended, relating to the Economic Development Promotion and Closing Fund; and providing a one-time allocation of \$100,000 to the Flatwater Trail Commission to be used for travel expenses and promotion of flat water trails in West Virginia, subject to availability of funds.

Referred to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 700**—A Bill to amend and reenact §29-6-5 of the Code of West Virginia, 1931, as amended, relating to ceasing operations of the Division of Personnel by June 30, 2023; providing for transfer of duties to individual agencies; and providing rule-making authority.

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

**By Senators Blair (Mr. President) and Woelfel:**

**Senate Bill 701**—A Bill to amend and reenact §7-1-3l of the Code of West Virginia, 1931, as amended; to amend and reenact §11-1C-5, §11-1C-11, and §11-1C-11a of said code; and to amend and reenact §11-3-34 of said code, all relating to the administration of the Managed Timberland Program; authorizing county assessors to require property owners produce carbon capture or carbon offset agreements related to the property; creating obligations of the Tax Commissioner related to the administration of the Managed Timberland Program; providing the Division of Forestry with rule-making authority; requiring the Division of Forestry to develop internal policies and procedures for their role in the Managed Timberland Program; providing that the Division of Forestry and the State Tax Department shall work together to update the current Legislative Rule to minimize weaknesses in the processes and procedures of the Division of Forestry and the Tax Division regarding the operations of the Managed Timberland Program; and requiring county assessors to report the carbon capture and carbon offset agreements in their respective counties to the Tax Department annually.

Referred to the Committee on Economic Development.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 702**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Commerce, Division of Natural Resources – License Fund –

Wildlife Resources, fund 3200, fiscal year 2023, organization 0310, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 703**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Transportation, Division of Motor Vehicles, fund 8787, fiscal year 2023, organization 0802, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 704**—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Education, State Board of Education – Vocational Division, fund 8714, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 705**—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Division of Health – Maternal and Child Health, fund 8750, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 706**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Agriculture – West Virginia Spay Neuter Assistance Fund, fund 1481, fiscal year 2023, organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 707**—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to Miscellaneous Boards and Commissions, Economic Development Authority, fund 8893, fiscal year 2023, organization 0944, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 708**—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 709**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to Miscellaneous Boards and Commissions, Public Service Commission – Consumer Advocate Fund, fund 8627, fiscal year 2023, organization 0926, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 710**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9A-7-1, §9A-7-2, §9A-7-3, §9A-7-4, §9A-7-5, §9A-7-6, §9A-7-7, and §9A-7-8, all relating to establishing a pilot program to provide grants to veterans who relocate to West Virginia to reside and work; creating the program; defining terms; creating the Welcome Home Grant Program Fund; specifying distribution of grant awards; requiring management and implementation by the Department of Veteran's Affairs; requiring annual reporting; and specifying a date for the termination of the pilot program unless extended by the Legislature.

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

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 711**—A Bill supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2023, organization 0803, for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 712**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Administration, Office of Technology – Chief Technology Officer Administration Fund, fund 2531, fiscal year 2023, organization 0231, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 713**—A Bill to amend and reenact §5B-2L-14 and §5B-2L-16 of the Code of West Virginia, 1931, as amended, all relating to the increasing the number of districts and the limit on approved costs under the BUILD WV Act.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 714**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Homeland Security, Division of Corrections and Rehabilitation – Regional Jail and Correctional Facility Authority, fund 6675, fiscal year 2023, organization 0608, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 715**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, fund 5214, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 716**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Veterans' Assistance, Veterans' Facilities Support Fund, fund 6703, fiscal year 2023, organization 0613, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 717**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Health and Human Resources, Division of Health – West Virginia Safe Drinking Water Treatment, fund 8824, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 718**—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Division of Human Services – Child Care and Development, fund 8817, 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.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 719**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, State Excess Lottery Revenue Fund, Department of Education, fund 3517, fiscal year 2023,



organization 0402, and to the Department of Education, School Building Authority, fund 3514, fiscal year 2023, organization 0404 by supplementing and amending appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 720**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to Miscellaneous Boards and Commissions, Public Service Commission, fund 8623, fiscal year 2023, organization 0926, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 721**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations, fund 5156, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 722**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services, fund 8734, fiscal year 2023, organization 0932, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 723**—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Agriculture, fund 8736, fiscal year 2023, organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 724**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Health and Human Resources, Division of Human Services, fund 8722, 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.

**By Senator Tarr:**

**Senate Bill 725**—A Bill to amend and reenact §3-1-16 and §3-1-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-5-6a, §3-5-6b, §3-5-6c, §3-5-6d, and §3-5-6e of said code, all relating to requiring runoff elections in the general election for judicial candidates when a candidate with the most votes receives less than a majority of total votes cast for the same division or office during the primary election; and requiring the nonpartisan ballot to list each judiciary candidate's political party affiliation, if any.

Referred to the Committee on the Judiciary.

**By Senator Azinger:**

**Senate Bill 726**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32; and to amend and reenact §57-5-4j of said code, all relating to preventing compensatory damage awards for medical expenses from including sums that the claimant has not and will not pay for medical services or treatment except in specified cases.

Referred to the Committee on the Judiciary.

**By Senators Deeds and Woodrum:**

**Senate Bill 727**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-3-14, relating to providing reports on mental or physical disabilities, or disorders, to the Division of Motor Vehicles to determine an individual's medical competency to retain their driver's license; and providing that this section shall be known as "McKayla, Miranda, and Philip's Law".

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 728**—A Bill to amend and reenact §5B-1A-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5B-2-15 of said code; and to amend and reenact §5B-2A-3 and §5B-2A-4 of said code; and to amend and reenact §5B-8-1 of said code; and to amend and reenact §11-13X-9 of said code; and to amend and reenact §31G-1-5 and §31G-1-14 of said code, all relating to clarifying the department responsible for the administration of certain programs.

Referred to the Committee on Economic Development.

**By Senator Jeffries:**

**Senate Bill 729**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, and §11-13MM-5, all relating to providing an income tax credit for certain eligible taxpayers that sell electricity to energy intensive industrial and manufacturing consumers; setting forth legislative findings and purpose; providing for definitions; providing for a credit against state business and operating taxes; providing for the allowance of certain tax credits in specific taxable years; providing for the application of certain tax credits; and authorizing rulemaking.

Referred to the Committee on Finance.

**By Senator Maroney:**

**Senate Bill 730**—A Bill to amend and reenact §16-29E-5 and §16-29E-7 of the Code of West Virginia, as amended, all relating to the Legislative Oversight Commission on Health and Human Resources Accountability, applying authority of commission to successor agencies; removing limitation on commission review; expanding authority of commission to conduct review into administrative, fiscal, programmatic, and systematic areas of department; and requiring reporting to be submitted electronically via an online portal.

Referred to the Committee on Health and Human Resources.

**By Senator Azinger:**

**Senate Bill 731**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32; and to amend and reenact §57-5-4j of said code, all relating to an evidentiary rule involving the collateral source rule to require the adjustment of verdicts for past expenses to reflect the amount incurred and paid.

Referred to the Committee on the Judiciary.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 16**, US Army 1SG James Arnold Browning 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 17**, US Navy HT2 Phillip Joseph "PJ" Hainer 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 Resolution 35**, Recognizing Society of Honor Guard, Tomb of Unknown Soldier.

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

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

The question being on the adoption of the resolution, and on this question, Senator Caputo 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, 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 those present and voting having voted in the affirmative, the President declared the resolution (S. R. 35) adopted.

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

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

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

The Senate proceeded to the eighth order of business.

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

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 S. B. 191) 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 293**, Increasing fees charged by sheriff.

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

The nays were: Chapman, Martin, and Maynard—3.

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. 293) 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 303**, Relating to Violent Crime Prevention Act.

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 303 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 S. B. 303) 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 430**, Relating to State Treasurer's authority to contract with financial institutions for banking goods and services.

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

Senators Trump and Nelson, respectively, requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Trump and Nelson would be as members of a class of persons and that they would be required to vote.

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 S. B. 430) 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 455**, Modifying certain used car restrictions.

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 455 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 S. B. 455) 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 559**, Relating to spousal privilege.

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. S. B. 559) 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 568**, Relating to Dangerousness Assessment Advisory Board.

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 S. B. 568) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

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. 568) takes effect from passage.

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

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

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. S. B. 605) 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 House Bill 2596**, To modify when a nonresident student's transfer may be denied.

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. 2596) passed.

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

**Eng. Com. Sub. for House Bill 2596**—A Bill to amend and reenact §18-5-16 of the Code of West Virginia, 1931, as amended, relating to open enrollment; clarifying the circumstances in which a county board of education shall permit the transfer of resident students; allowing appeal to State Superintendent of Schools; amending provisions pertaining to the contents of county board of education policies for open enrollment; requiring process for enrollment application to be clearly publicized and made available on the county board's website; modifying reasons for which an application can be denied; and requiring county boards and the State Department of Education to report annually on the number of transfer approvals and denials made pursuant to open enrollment policies.

*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 2845**, Relating to removing expired provisions from the code.

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. 2845) passed with its title.

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

**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 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. 3164) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

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 H. B. 3164) takes effect from passage.

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

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

On third reading, coming up in regular order, with the right having been granted on Friday, February 17, 2023, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

The Senate proceeded to the ninth order of business.

**Senate Bill 488**, Aligning state and federal accreditation rules.

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

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 548**, Clarifying what parties can redeem delinquent property and limiting those entitled to bid.

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

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 596**, Modifying payment for housing and maintenance of inmates.

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.

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

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.

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

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

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

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

The Senate proceeded to the tenth order of business.

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

**Com. Sub. for Com. Sub. for Senate Bill 195**, Glucagon for Schools Act.

**Com. Sub. for Com. Sub. for Senate Bill 273**, Relating to allocation of child protective workers in counties based upon population of county.

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

**Com. Sub. for Senate Bill 429**, Establishing statewide health and safety fee for tourism and recreational activities by county commissions.

**Com. Sub. for Com. Sub. for Senate Bill 436**, Prompt Payment Act of 2023.

**Com. Sub. for Senate Bill 523**, Clarifying purpose and use of Economic Development Project Fund.

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

**Senate Bill 553**, Allowing for evaluation of prequalified bidders to be based on best value.

**Com. Sub. for Senate Bill 577**, Reducing copay cap on insulin and devices and permitting purchase of testing equipment without prescription.

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

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

**Com. Sub. for Senate Bill 630**, Creating offense of knowingly and willfully obstructing social service worker.

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

**Senate Bill 674**, Providing statutory recognition and appointment of board members for WV First Foundation.

And,

**Eng. House Bill 3141**, Relating to the practice of dentistry.

The Senate proceeded to the thirteenth order of business.

Senator Blair (Mr. President) announced the appointment of Senators Takubo and Swope to the Committee on the Judiciary.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on February 17, 2023:

**Senate Bill 643**: Senator Chapman;

And,

**Senate Bill 661**: Senator Jeffries.

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 17, 2023:

**Senate Bill 215**: Senator Maroney;

**Senate Bill 666**: Senator Caputo;

**Senate Bill 667**: Senators Weld and Smith;

**Senate Bill 671:** Senators Grady and Caputo;

**Senate Bill 673:** Senators Grady and Deeds;

**Senate Bill 674:** Senator Weld;

**Senate Concurrent Resolution 16:** Senator Smith;

**Senate Concurrent Resolution 17:** Senator Smith;

**Senate Resolution 35:** Senators Smith, Phillips, Deeds, Queen, and Caputo;

And,

**Senate Resolution 36:** Senators Smith, Woelfel, and Caputo.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:59 a.m., the Senate adjourned until tomorrow, Tuesday, February 21, 2023, at 11 a.m.

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## **SENATE CALENDAR**

**Tuesday, February 21, 2023  
11:00 AM**

### **UNFINISHED BUSINESS**

S. C. R. 18 - Requesting Joint Committee on Government and Finance study increasing availability of prescription nonopioid medications

### **THIRD READING**

Eng. S. B. 488 - Aligning state and federal accreditation rules

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

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

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

Eng. Com. Sub. for S. B. 596 - Modifying payment for housing and maintenance of inmates - (With right to amend)

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

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

Eng. H. B. 3272 - Relating to the operation of private trust companies in West Virginia - (With right to amend)

### **SECOND 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. 580 - Authorizing election for special levy renewal

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

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. Com. Sub. for H. B. 2006 - Relating to reorganizing the Department of Health and Human Resources

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

### **FIRST READING**

S. B. 597 - Allowing Workforce WV to hire classified service exempt employees

S. B. 620 - Increasing maximum number of registered voters per precinct and distance between polling places

Com. Sub. for S. B. 631 - Updating administration, funding, and requirements for federal elections held in WV

S. B. 641 - Clarifying when magistrate vacancies shall be filled

Com. Sub. for S. B. 644 - Updating contested elections procedures

Com. Sub. for S. B. 661 - Clarifying preferential recall rights for employees sustaining compensable injury

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2023**

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**Tuesday, February 21, 2023**

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